ACTS AND ORDERS

FOR THE

North Western Provinces.

FOR THE YEAR

1848.

RE-PUBLISHED FROM THE AGRA GOVERNMENT GAZETTE,

BY ORDER OF THE HONORABLE

The Lieutenant Governor,

N. W. P.

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SECUNDRA ORPHAN PRESS: E. H. LONGDEN, SUPDT.

1849.

BENGAL SECRETARIAT LIBRARY.

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CIRCULAR ORDERS

OF THE

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ACTS AND ORDERS

FOR THE

NORTH WESTERN PROVINCES.

ACTS.

ACT No. I. of 1848.

An Act to regulate the Proceedings in certain Cases of Forgery.

It is hereby enacted, that within the Territories subject to the Presidency of Fort William in Bengal, except the local limits of the Courts established by Her Majesty's Charter, the Magistrates of the several Zillahs and Cities shall not receive any charges of Forgery, or of procuring or causing Forgery, or of fraudulently issuing and publishing as true or otherwise fraudulently giving effect to, or attempting to give effect to false and fabricated Deeds and Papers, knowing the same to be false and fabricated, which may be preferred by parties to Civil or Criminal cases in respect to Deeds and Papers offered in evidence in such cases against the adverse parties to such cases, or other persons, except as provided in the next following Section.

II. And it is hereby enacted, that in cases pending before any Civil or Criminal Court (except the Court of the Magistrate, or of any Officer exercising the committing powers of a Magistrate) in which there may appear to the Court sufficient grounds for sending for investigation to the Magistrate a charge of any of the offences specified in Section 1, of this Act, the Court shall send the party or parties accused in custody to the Magistrate, together with the evidence and documents relevant to the charge, and shall take a recognizance from each of the witnesses, who have given such evidence to appear before the Magistrate, who shall thereupon receive such charge and proceed with it in the usual course.

Provided always, that nothing herein contained shall be construed to effect the powers vested in Sessions Judges in cases of Forgery, by Section 6, Regulation II. of 1807, of the Bengal Code.

III. And it is hereby enacted, that the powers vested by Clause 2, Section 14, Regulation XVII. of 1817, of the said Code, in Zillah and City Judges, of committing persons chargeable with Perjury or Subornation of Perjury in cases pending before such Judges, are hereby vested in Principal Sudder Ameens in Civil cases pending

before them, and the Principal Sudder Ameens and the Magistrates are hereby authorized and required to proceed in the manner in which the said Judges and Magistrates are authorized and required to proceed by the said Clause.

IV. And it is hereby enacted, that it shall be competent to the Sessions Judges to try persons committed by themselves as Civil Judges under the provisions of the said Clause for Perjury or Subornation of Perjury any Law to the contrary notwithstanding.

V. And it is hereby enacted, that for the purposes of this Act, the expression Civil Courts shall be held to include all Revenue Officers acting judicially.

The 22nd January, 1848.

ACT No. III. OF 1848.

An Act for removing doubts as to the meaning of the words "Thug" and "Thuggee," and the expression "Murder by Thuggee," when used in the Acts of the Council of India.

Whereas doubts have arisen as to the meaning of the words "Thug" and "Thuggee," and the expression "Murder by Thuggee," when used in the Acts of the Council of India.

It is hereby declared and enacted, that the word, "Thug," when used in any Act heretofore passed by the Council of India, shall be taken to have meant and to mean a person who is, or has at any time been habitually associated with any other or others for the purpose of committing, by means intended by such person or known by such person to be likely to cause the death of any person, the offence of Child-stealing or the offence of Robbery not amounting to Dacoity. And that the word "Thuggee," when used in such Acts shall be taken to have meant and to mean the offence of committing or attempting any such Child-stealing or Robbery by a Thug. And that the expression "Murder by Thuggee," when used in such Acts shall be taken to have meant and to mean Murder when employed as the means of committing such Child-stealing or such Robbery by a Thug.

The 26th February, 1848.

ACT No. V. OF 1848.

An Act to amend the Law regarding the taking of Mochulkas or Penal Recognizances.

I. It is hereby enacted, that Section 4, Regulation IV. of 1825, of the Bengal Code, is repealed.

II. And it is hereby enacted, that in the Territories subject to the Presidency of Bengal, it shall be lawful for the Zillah and City Magistrates and Joint Magistrates to take Mochulkas or Penal Recognizances in the form annexed to this Act, as well from British subjects as from other persons in all cases wherein it may appear just and necessary to require the same for the maintenance of the peace in their respective jurisdictions although the party to be bound in such recognizances may not have been convicted of any specific offence, provided that the amount of the recognizance in all such cases shall be proportionate to the condition in life of the said party and to the circumstances of the case.

III. And it is hereby enacted, that in cases of an aggravated nature wherein it may appear necessary to require security for keeping the peace in addition to the recognizance of the party, it shall be lawful for such Magistrates to direct the same and to fix a reasonable amount for the security bond to be executed in the form annexed to this Act by the surety or sureties.

IV. And it is hereby enacted, that whenever it shall appear to the Magistrate that the period for which the party should be bound to keep the peace with or without additional security, need not exceed one year, it shall be lawful for him, without reference to superior authority, to give directions accordingly, and in default of such recognizance or additional security, to commit the party to prison in the Civil Jail until he shall do what has been required of him.

V. And it is hereby enacted, that whenever it shall appear to the Magistrate that the period for which the party should be bound to keep the peace with or without additional security ought to exceed the period of one year, the Magistrate shall record his opinion to that effect with an order specifying the amount of recognizance and security as well as the number of sureties which should in his judgment be required, and the period for which the recognizance and security shall be required, which however shall in no case exceed three years. If the party shall not furnish the recognizance and security so required, the proceedings shall be laid before the Sessions Judge, who, after examining them and calling for any further information which he may think necessary, shall pass orders on the case confirming, modifying or annulling the orders of the Magistrate, and if the orders so passed by the Sessions Judge confirm to any extent the requisition for recognizance or securities the Sessions Judge shall direct the Magistrate to commit the party to prison in the Civil Jail until he shall do what has been required of him.

VI. Provided always and it is hereby enacted, that no party shall be kept in prison under the foregoing provisions of this Act for a longer period than that for which the recognizance and securities have been required from him.

VII. And it is hereby enacted, that the provisions contained in Sections 5, 6 and 7, of Regulation VIII. of 1818, of the Bengal Code, shall be applicable to all persons confined under the foregoing provisions of this Act, and to all securities who shall have given security under this Act.

VIII. And it is hereby enacted, that whenever it may be proved before the Magistrate that any such recognizance has been forfeited, he shall proceed to enforce the penalty of such recognizance in the mode prescribed for the satisfaction of decrees of the Civil Court.

IX. And it is hereby enacted, that whenever it may be proved before the Magistrate that any such recognizance has been forfeited if a security bond shall have been taken and the Magistrate shall think that proceedings should be had upon such bond, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid, and if no sufficient cause shall be shown, the Magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any of his or their property in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court, and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement by order of the Magistrate in the Civil Jail of the station during a period not exceeding six months.

X. And it is hereby enacted, that all sentences and orders passed under this Act shall be appealable subject to the general provisions which regulate appeals.

XI. And it is hereby enacted, that in the Territories subject to the Presidency of Bengal all Mochulkas and Security Bonds which by force of any Act or Regulation may be taken by Criminal Courts of the East India Company, or by Zillah or City Magistrates or Joint Magistrates for keeping the peace or for good behaviour, may be enforced in the manner prescribed by Sections 8 and 9 of this Act.

FORM OF MOCHULKA.

Whereas I inhabitant of have been called upon to enter into a Mochulka to keep the peace for the term of I hereby bind myself not to commit any act that can occasion a breach of the peace during the said term, and in case of my making default therein I bind myself to forfeit to Government the sum of Rupees dated

FORM OF SECURITY.

Whereas inhabitant of has been called upon to give security to keep the peace for the term of I hereby declare myself surety for the said that he shall not commit any act that can occasion a breach of the peace during the said term. And in case of his making default therein I hereby bind myself to forfeit to Government the sum of Rupees dated

The 4th March, 1848.

ACT No. VIII. of 1848.

To modify the provisions of Sections 9, 10, 11 *and* 13 *of Regulation V.* 1812, *of the Bengal Code.*

It is hereby enacted, in modification of the provisions of Sections 9, 10, 11 and 13 of Regulation V. 1812, of the Bengal Code, that if any Ryot or Tenant of land, upon whom such notice or demand as is specified in the said Sections is to be served, shall have no place of usual residence in the Zillah where the land to which such notice

or demand has reference is situate, the mode of serving such notice or demand with a jumma wasil baukee shall be by affixing it at the Maal Cutcherry of such land, or other conspicuous place thereon, or at the village Chouree, Choupal, or other conspicuous place in the village.

The 25th March, 1848.

ACT No. XI. OF 1848.

An Act for the Punishment of wandering Gangs of Thieves and Robbers.

Whereas it is expedient to extend some of the Provisions of the Law for the conviction of Thugs and Dacoits to other Gangs of Thieves and Robbers, it is enacted as follows:—

I. Whosoever shall be proved to have belonged either before or after the passing of this Act to any wandering Gang of persons, associated for the purposes of Theft or Robbery, not being a Gang of Thugs or Dacoits, shall be punished with imprisonment with hard labour for any term not exceeding seven years.

II. Any person accused of the offence of belonging to any such Gang as aforesaid, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by any such Gang, may be committed by any Magistrate within the Territories of the East India Company, and may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits.

III. No Court shall on the trial of any offence under this Act require any Futwa from any Law Officer.

The 20th May, 1848.

ACT No. XIII. OF 1848.

For limiting the time within which a suit may be brought to contest the awards of the Revenue Authorities in the Presidency of Bengal.

For the greater security of possessory titles in the Presidency of Bengal derived from awards made by the Revenue Authorities under Regulation VII. of 1822, Regulation IX. of 1825, and Regulation IX. of 1833, of the Bengal Code. It is enacted as follows:—

I. No suit shall be entertained in any Court for contesting the justice of any award made before the passing of this Act by the Revenue Authorities under any of the recited Regulations after the expiration of twelve years from the date of the final award.

II. After the expiration of three years from the passing of this Act, no such suit shall be entertained for contesting the justice of any such award made before the passing of this Act.

III. No such suit shall be entertained for contesting the justice of any such award made after the passing of this Act, after the expiration of three years from the date of the final award.

The 10th June, 1848.

ACT No. XVI. OF 1848.

An Act to remove certain Restrictions on the Salt Trade.

Whereas the Salt Trade in the North Western Provinces is burdened with unnecessary restrictions. It is enacted as follows:—

I. Sections 49, 50, 85 and 93, of Regulation X. of 1819, of the Bengal Code, and so much of Section 48, of the same Regulation, as affects the importation of Salt from the North Western Provinces into the other Provinces of the Presidency of Bengal, also Section 2 of Regulation X. of 1826, of the same Code, shall be repealed from the first day of August in this year.

II. After the said first day of August, no Customs Duty shall be leviable upon Salt imported into the said North Western Provinces from the other Provinces of the said Presidency.

The 1st July, 1848.

ACT No. XIX. OF 1848.

For better defining the Law as to revision of the sentences of Subordinate Criminal Courts in the Presidencies of Bengal and Madras.

Whereas it has been doubted how far Section 5, Regulation IX. 1831 of the Bengal Code is repealed by Act XXXI. 1841, and what power the Foujdaree Adawlut at Madras has under Section 35, Act VII. 1843. It is enacted as follows:—

I. So much of Section 5, Regulation IX. 1831, of the Bengal Code, as is now in force, and also Section 35, Act VII. 1843, are repealed.

II. The Nizamut Adawlut in the Pesidency of Bengal and Foujdaree Adawlut in the Presidency of Madras, in any case in which it shall appear to either of them, upon a review of the Abstract Statements or Calendars of Prisoners punished without refer-

ence, that the sentence passed is one which cannot lawfully be passed on a person convicted of the offence, as stated in the Abstract Statement or Calendar, shall annul the sentence, and shall certify to the subordinate Court the sentence or sentences which may lawfully be passed for such offence, and thereupon the subordinate Court shall pass a new sentence according to Law, and shall amend the record in accordance therewith.

III. The said Nizamut Adawlut or Foujdaree Adawlut, in any case in which it shall appear to either of them, upon a review of the Abstract Statements or Calendars of prisoners punished without reference, that the verdict or judgment pronounced on any prisoner was not warranted by the evidence, or that his sentence was too severe, may, if it thinks fit, require the Judge of the Court in which the conviction was had to certify under his hand all the evidence taken in the case affecting such prisoners, with any observations which the Judge may be desirous of making in explanation of the verdict, judgment or sentence; and thereupon the Nizamut Adawlut or Foujdaree Adawlut, as the case may be, may annul such verdict, judgment and sentence, if the verdict or judgment shall appear to it not warranted by the evidence, or mitigate the sentence, if it shall appear too severe, and in either case shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Nizamut Adawlut, or Foujdaree Adawlut, and, if necessary, amend the record in accordance therewith.

IV. Instead of proceeding under this Act, the said Nizamut Adawlut or Foujdaree Adawlut may, whenever it thinks fit, call for the whole record of any Criminal trial in any subordinate Court, and pass thereon such orders as it thinks fit, but not so as to enhance the punishment awarded, or punish any person acquitted in the subordinate Court.

The 2nd September, 1848.

ACT No. XXI. of 1848.

An Act for avoiding Wagers.

Whereas it is expedient to discourage Gaming and Wagering for money. It is enacted as follows:—

I. All Agreements, whether made in speaking, writing or otherwise, by way of Gaming or Wagering, shall be null and void: and no suit shall be allowed in any Court of Law or Equity for recovering any sum of money or valuable thing alleged to be won on any Wager, or entrusted to any person to abide the event of any Game, or on which any Wager is made.

II. The several Courts of Justice established by Royal Charter, instead of directing an issue to be tried on a feigned Wager for ascertaining any disputed fact, in the exercise as well of the Equity or Admiralty or any other Jurisdiction as of the common Law Jurisdiction of the Court, may issue summonses to witnesses, and cause them to

be examined orally in open Court as witnesses in the cause; and the witnesses so summoned shall be bound to attend and give their evidence in the same manner, and under the like penalties for neglect or disobedience, or for giving false evidence, as any witness duly summoned to give evidence according to the practice of the Court before the passing of this Act.

The 10*th October*, 1848.

ACT No. XXII. OF 1848.

An Act to simplify Indictments for Forgery.

For better avoiding the failure of justice in Criminal proceedings for Forgery. It is enacted as follows:—

I. In any information or Indictment laid or brought in the Courts established by Royal Charter, for Forging, or in any manner uttering any Forged instrument or writing, it shall not be needed to set forth any exact copy thereof; but it shall be enough to describe such Forged instrument or writing, in such manner as would sustain an indictment for stealing it.

The 10*th October*, 1848.

ACT No. XXIII. OF 1848.

An Act to amend a Clerical Error in Act No. XXV. of 1840.

For remedy of a Clerical Error in Act No. XXV. of 1840. It is enacted as follows:—

I. Any person guilty of the offence punishable under Section 7, Act XXV. of 1840, shall be liable to the punishment therein provided for such offence, on conviction thereof before any Magistrate.

The 10*th October*, 1848.

ORDERS OF THE GOVERNMENT, N. W. P.

For 1848.

No. 156 of 1848.

JUDICIAL DEPARTMENT.

Head Quarters, the 14th January, 1848.

By Section 26, Regulation XX. of 1810, provision is made for the issue of general Regulations respecting the tenure or occupation of Houses, Shops, or other fixed places situated upon ground belonging to Government within a Military Cantonment.

The only Rules of the above nature which are at present in force are those quoted in the margin.*

* G. O. G. G. 12th September, 1836, No. 179.
G. O. G. G. 5th August, 1840, No. 174.
G. O. P. C. 9th June, 1843, No. 124.

The Lieutenant Governor is therefore pleased, with the concurrence of His Excellency the Commander-in-Chief, to republish the orders in question, in order that all Civil Authorities may attend to the restrictions therein contained, when dealing with property situated as above described.

By order of the Hon'ble the Lieutenant Governor of the North Western Provinces.

J. THORNTON,

Secretary to the Govt., N. W. P.

GENERAL ORDERS BY THE RIGHT HON'BLE THE GOVERNOR GENERAL OF INDIA.

No. 179.

Dated 12th September, 1836.

The Right Hon'ble the Governor General of India in Council is pleased to rescind the various orders now in force in this Presidency, in regard of the occupation of ground and the disposal of premises or buildings situated

* Proceedings G. G., 25th June, 1801.
G. O. G. G. 28th September, 1807.
G. O. G. G. 5th June, 1813.

within the limits of Millitary Cantonments, and to substitute for them the following Regulation, which is to have effect from the date of its promulgation at the different Stations of the Bengal Army.

1st. All applications for unoccupied ground, for the purpose of being enclosed, built upon, or in any way appropriated to private purposes, such ground being within the limits of a Military Cantonment, are, in the first instance, to be made to the Commanding Officer of the Station, through the usual Channel, and in no case are the boundaries of compounds to be changed, old roads closed, or new ones opened, without the sanction of the Commanding Officer.

2nd. As the health and comfort of the Troops are paramount considerations, to which all others must give way, the Commanding Officer will be held responsible, that no ground is occupied in any way calculated to be injurious to either, or to the appearance of the Cantonment, and in forwarding an application for a grant, he must certify that it is not objectionable in those or any other respects.

3rd. When no objection occurs, the application is to be forwarded through the prescribed Channel by the Commanding Officer of the Station, to the Quarter Master General of the Army, who, if the Commander-in-Chief approves, will submit it for the orders of Government.

4th. All such applications are to be in the annexed form marked A.

5th. All Grants are to be registered by the Officer of the Quarter Master General's Department attached to the Division, and at stations where no such Officer may be present, by the Executive Officer of Public Works, to whom also, in such cases, applications for ground are to be addressed; and all Grants are to be immediately noted upon the plan of the Cantonment in the Quarter Master General's Office.

6th. No ground will be granted except on the following conditions which are to be subscribed to by every Grantee, as well as by those to whom his Grant may subsequently be transferred.

I. The Government to retain the power of resumption, at any time, on giving one month's notice, and paying the value of such buildings as may have been authorized to be erected.

II. The ground being in every case the property of Government cannot be sold by the Grantee, but houses or other property therein situated may be transferred by one Military or Medical Officer to another, without restriction, except in the case of reliefs, when, if required, the terms of sale or transfer are to be adjusted by a Committee of Arbitration.

III. If the ground has been built upon, the buildings are not to be disposed of to any person of whatever description, who does not belong to the Army, until the consent of the Officer commanding the Station shall have been previously obtained under his hand.

IV. When it is proposed, with the consent of the Commanding Officer, to transfer possession to a native, should the value of the house buildings, or property to be

so transferred exceed 5,000 Rupees, the sale must not be effected until the sanction of Government shall have been obtained through his Excellency the Commander-in-Chief.

7th. All houses in a Military Cantonment, being the property of persons not belonging to the Army, which may be deemed by the Commanding Officer of the Station, suitable from their locality, for the accommodation of Officers, shall be claimable for purchase, or for hire, at the option of the owner. In the former case at a valuation and in the latter at a rent, to be fixed, in case of the parties disagreeing; by a Committee of Arbitration constituted as follows:

8th. The Committee is to be composed of one Civil Officer, the principal one, if practicable, at or in the vicinity of the Station, the Commanding Officer of the Cantonment, and an Officer belonging to the Station to be named by the proprietor of the premises, and their decision, whether relating to the terms of purchase, or rent, is to be conclusive, unless it shall be reversed by Government, for whose orders the proceedings of the Committee are to be submitted through His Excellency the Commander-in-Chief, whenever the proprietor of the premises which they have valued, is dissatisfied with their award.

9th. When the houses of the Officers of one Corps are to be transferred to those of another, as on the occasion of a relief, if a difference of opinion should arise as to the fair terms of the transfer, the price shall be fixed by a Committee of Arbitration, constituted as in the last paragraph, but to which in such cases, there is to be given an additional member to be named by the intending purchaser.

10th. In this case there is to be no appeal, and the decision of the Committee of Arbitration is to be final.

FORM A.

To the Assistant Quarter Master General (or other Staff Officer.)

Sir,—I request you will apply for permission for me to occupy the ground herein described, &c., &c., &c.

Situation of Ground.	Quantity.	Bounds.	How intended to be occupied.	Remarks.
				I have been made acquainted with the terms on which permission to occupy has been given to me. (Sd.) A. B.

GENERAL ORDERS BY THE RIGHT HON'BLE THE GOVERNOR GENERAL OF INDIA.

No. 174.

Dated 5th August, 1840.

The Right Hon'ble the Governor General of India in Council is pleased to determine that the period which shall be held to be "due notice" to proprietors of premises, or their Agents not residing within or in the vicinity of a Military Cantonment, of the intention to hold a Committee of Arbitration on such premises, under the Regulation No. 179, dated 12th of September 1836, shall be one month, and not fourteen days, as laid down in General Orders, No. 154 of the 15th ultimo.

GENERAL ORDERS BY THE HON'BLE THE PRESIDENT IN COUNCIL.

No. 124.

Dated 9th Jnne, 1843.

With a view to obviate the inconvenience and delay which is frequently experienced in calling for explanation, as to the particular localities of plots of ground in Military Contonments, applied for under the provisions of Regulation No. 179 of the 12th September, 1836, the Hon'ble the President in Council is pleased to direct, that in future all applications for ground within Military Cantonments to build upon, whether preferred by Officers or others, shall invariably be accompanied by a sketch or rough plan of the site designated, embracing a portion of the Cantonment adjacent to it, and exhibiting the public buildings, roads, or private estates, by which it is bounded. This plan in all practicable cases, to be authenticated by the Officer of the Quarter Master General's Department, or where no such Officer is present, by the Executive Officer of Public Works attached to the division in which the Cantonment may be situated.

This order is to be considered as an additional Clause of the Regulation above quoted.

(True Copies,)

A. SHAKESPEAR,

Assist. Secy. to the Govt., N. W. P.

FORT WILLIAM,

HOME DEPARTMENT.

SEPARATE REVENUE.

The 31st December, 1847.

Read Letter from the Secretary to the Government of Fort St. George, dated 4th instant, No. 1313, and its enclosures.

Read again Para. 44 of despatch from the Court of Directors, No. 3 of 1847 dated 18th August.

RESOLUTION 1st. The Governor General in Council is pleased to resolve that Cotton Wool be henceforth exempted from any demand on account of Export Duty throughout India.

2nd. The Governor General in Council is further pleased to resolve that Cotton Wool, the produce of any part of the Continent of India, be henceforth exempted from any demand on account of Import Duty at the Port of Madras, in like manner as this Article is now exempt from Import Duty at the Port of Bombay, under Section 2, of Act II. of 1846.

Ordered, that these Resolutions be notified in the *Calcutta Gazette*, and communicated to the Governments of Madras and Bombay, where they will be re-published for general information.

(True Copy,)

G. A. BUSHBY,

Secretary to the Government of India.

(True Copy,)

A. SHAKESPEAR,

Assistant Secretary to Government, N. W. P.

No. 281.

GENERAL DEPARTMENT.

Agra, the 6th March, 1848.

The Lieutenant Governor is pleased to cause the publication for general information of the following Letter from the Resident at Indore.

No. 271. OF 1848.

FROM R. N. C. HAMILTON, ESQUIRE,
Resident at Indore.

To J. THORNTON, ESQUIRE,
Secy. to the Govt., N. W. P.

Dated Indore Residency, 22nd February, 1848.

SIR,

I have the honor to state for the information of the Hon'ble the Lieutenant Governor, North Western Provinces, that the Bungalows for the accommodation of Travellers at Burwai, Daisgaun and Boregaun in Nimar are completed, and that Travellers from Agra or Mhow may now reach Asseerghur and Boorhanpore without exposure.

2nd. I hope that during this season, the Bungalows between Boorhanpore, Aujunta and Ellora, will be constructed, which will complete the line between Agra, Ahmednuggur, Poona and Bombay, and enable Travellers by this route to visit the Caves at Aujunta and Ellora, and other objects of interest along the line.

I have, &c.,

(Sd.) R. N. C. HAMILTON,
Resident.

Indore Residency, the 22nd February, 1848.

J. THORNTON,
Secretary to the Government, N. W. P.

No. 365 OF 1848.

GENERAL DEPARTMENT.

The 24th March, 1848.

It has been ruled by His Honor the Lieutenant Governor, North Western Provinces, in modification of orders of 29th November last, that the Dawk Bungalows at the Sudder Stations noted in the margin, * shall continue under the charge of the Post Masters, their repairs being effected as heretofore by the Executive Officers of the divisions. All intermediate Bungalows will remain under the charge of the several Executive Engineers, employed upon the Grand Trunk Road, as notified in orders above referred to.

* Benares	Allyghur.
Allahabad.	Meerut.
Futtehpore.	Dehlie.
Cawnpore.	Kurnal.
Mynpooree.	Amballa.
Agra.	

By order of the Hon'ble the Lieutenant Governor, North Western Provinces.

J. THORNTON,
Secretary to the Government, N. W. P.

No. 626 of 1848.

No. 2 of 1848.

FOREIGN DEPARTMENT.

Dated the 31st March, 1848.

Read a Notification, No. 626 of 1848, by the Right Hon'ble the Governor General in the *Calcutta Gazette, dated 22nd March,* 1848.

FORT WILLIAM.

FOREIGN DEPARTMENT.

The 17th March, 1848.

Notification.—The Governor General in Council has been pleased to direct the publication of the following list of States, within the circle of the Indore Presidency, in which Suttee, Infanticide, and Slavery have been abolished.

Maharaja Tookajee Rao Holkar.
Raja Bulwant Sing of Kutlam.
Raja Gopaul Sing of Jhabooa.
Raja Eswunt Rao Powar of Dhar.
Raja Rookma Nugud and Raja Hybut Rao Bapro. } *Dewas.*
Raja Bucktawur Sing Amjheera.
Raja Tukht Sing of Silanah.
Raja Jeswunt Sing of Berwanee.
Dewan Hunwunt Sing of Nursinghur.
Rawut Motee Sing of Rajghur.
Nawab Shahjehan Begum of Bhopal.
Rana Jeswunt Singh of Ali Rajpoor.

In publishing this list, the Governor General in Council has much satisfaction in noticing that the prohibition of Suttee, Infanticide and Slavery in the Territories of Holkar, is no new measure on the part of the Holkar State, but was enforced by the late Maharaja Hurree Rao Holkar, and renewed by his successor the present Maharaja Tookajee Rao Holkar.

(Signed) H. M. ELLIOT,

Secretary to the Government of India.

The Hon'ble the Lieutenant Governor has been pleased to re-publish the above Notification in the *Agra Government Gazette,* for general information.

By order of the Hon'ble the Lieutenant Governor, North Western Provinces.

J. THORNTON,

Secretary to the Government, N. W. P.

No. 1299 OF 1848.

REVENUE DEPARTMENT.

The 31st March, 1848.

The following Rules are passed for giving effect to Act VII. 1845, regarding the Canal and works for draining the Nujjufgurh Jheel:

I. Under the powers vested in the Lieutenant Governor of the North Western Provinces, by Section 1, Act VII. of 1845, the Provisions of the aforesaid Act are declared applicable to the Canal and works for draining the Nujjufgurh Jheel near Dehlie.

II. The Collector of Dehlie, as Superintendent, and Mr. E. Battie as his Assistant are appointed to exercise the powers for the levy of water rent and enforcement of penalties under Section 8 of the aforesaid Act.

III. The following rates are fixed for the supply of Water from the Canal, or from any Pools or Reservoirs which may be rendered available for purposes of irrigation by the Canal or the works connected therewith.

Description of Crops.	*On Land irrigated by natural drains.*	*On Land irrigated artificially.*	
	Per Acre.		
1.—Fruit or Nursery Gardens, ...	4 0 0	3 0 0	Per Annum.
2.—Vegetable Gardens, Indigo, Sugar-Cane, Singharas, cultivated grasses and herbs, ...	1 0 0	0 12 0	Per Annum or Per Crop.
3.—Rice, Cotton, Wheat, Barley, Oats, Indian Corn, Gram, Oil-seeds, Jowar, Cheenah, and Pulses, ...	0 8 0	0 6 0	Per Crop.

IV. Owing to the uncertain supply of water, a rateable deduction will be allowed if the following number of waterings cannot be given.

First Class.—Eight Waterings per Annum.
Second Class.—Five Ditto ditto, or per crop,
Third Class.—Three Ditto per crop.

V. The jurisdiction of the Canal Officers in all cases provided for in the aforesaid Act, shall extend to the distance of 10 feet from the outer base of all embankments of the Canal, or to the works connected therewith, and over all such embankments and within such embankments over the space on which the water may be retained, or may be capable of being retained by such embankments, and also over every plantation and building or enclosure belonging to the Government and under the charge of the Canal Officers.

VI. Persons injuring the Canal Banks, or the Canal property within the aforesaid limits, or wilfully driving their cattle, so as to damage the banks or the property, or otherwise acting within the said limits, as prohibited in Section 5 of the Act shall be liable to the penalties prescribed in the Act, but for cattle accidentally straying, the penalty shall not exceed, for

Every Elephant,.	1 Rupee.
Every Camel,.....	4 Annas.
Every Buffalo, or head of Cattle, Horse, Mule, Poney or Ass,	2 Annas.
For every Sheep, or Goat,.....	1 Anna.

together with the expences of feed and keep and the cost of repair for damage done. Unclaimed cattle will be sent to the established Canal pounds to be disposed of by the Superintendent as usual, and the net proceeds of the sale will be credited to the Canal. Cattle or other animals going down to the stream, or crossing it at any other places than the established Ghats or Fords will be held to have been wilfully driven or to have accidentally strayed, as the case may be.

By order of the Hon'ble the Lieutenant Governor of the North Western Provinces.

J. THORNTON,

Secretary to the Government, N. W. P.

No. 1695 OF 1848.

JUDICIAL DEPARTMENT.

The 28th April, 1848.

1. The arrangements for the supply of Provisions and for the protection of Travellers along the Grand Trunk Road have lately engaged much of the attention of the Government. Reports and suggestions on the subject have been called for from the Local Officers, and Major Steel, after marching along the whole course of the Road, has furnished his remarks for the consideration of the Lieutenant Governor. The most important of the results are embodied in this notification, and published for general information, in order that Travellers in general may be apprised of the measures which are in progress for their accommodation and protection.

2. All enquiries show that there is a great and increasing traffic along the Grand Trunk Road. This traffic may become the source of great profit to the Zumeendars and residents along the road, if effectual measures are taken in every district to protect the people from oppression on the part of Civil and Military servants of the Govern-

ment and other Travellers who may pass along its course. It is also necessary to make adequate arrangement for the supply of the necessary wants of Travellers, and to protect them and their property from injury on the road.

3. The following measures will be found conducive to these ends.

4. *Encamping Grounds.* These have been generally marked out along the Road, but there is much reason to believe that it will be found preferable to have the two encamping grounds each of the prescribed size of 400 yards square on the same side of the village instead of on opposite sides. The two encamping grounds should be adjoining to each other, so that all the arrangements for the supply of Troops and Travellers may be collected on the spot, and permanently stored there. If this can be now effected without great inconvenience, it should be done, and the orders of March 25th 1847, should be held so far modified.

5. *Supply of Provisions.* The orders of January 21st 1833 must be carried out for ensuring the sale of all *burdasht* Articles on the spot. The erection of *burdasht khanahs* on the ground or in its immediate vicinity has been found very effective. These buildings consist of an enclosure where wood, charcoals, earthen-ware vessels, and other similar articles can be stored with a few Bunneahs shops attached outside. The cost of each *burdasht khanah* is calculated at Rs. 200.

6. There is every reason to believe that Contractors can be found, who will undertake at all such places to sell the articles in most common demand. The following advances should be given on good security:

	Rs.		Rs.
Bunneah, ...	200	Oilman, ...	25
Firewood and Bhoosa, ...	150	Coomar for pots, ...	10
Milkman, ...	40	Chowdree for supplying Bearers, Coolies and Carriage to a fixed moderate amount,	50
Fowls and Eggs, ...	25		
Kurbee, ...	35		
Grass and Straw, ...	20	Chabenee, ...	25
Hulwaee, ...	10		
Shepherd, ...	25	Total, Rupees	615

7. The Contractors should be prohibited from having any intercourse with the Police, as regards the collection and sale of their articles. They should have warehouse room, and shops rent-free in the *burdasht khanahs,* but they are to have no privileges or monopoly. They should be bound under sufficient penalty to furnish all applicants at the current market price of the day. Detachments of Troops or parties of Travellers may be supplied retail, but whenever Regimental or other Bazars are attached to a Camp, the supply should be wholesale to the persons appointed to receive them. The wood should be made up in parcels each of the value of one pice, a specified number of which are to go to the maund. These should be sold wholesale or retail as may be required. The absolute prohibition against the demand of any articles either gratis or at less than the market price is applicable to all Government servants as well as to Sepoys. Police or Revenue Officers are especially bound to pay fairly for what they may require.

8. The Contractors should be furnished by the Collector with certificates in English and Oordoo, setting forth the obligations under which they lie, and the protection to which they are entitled. The price of all articles of fixed value must be specified in their certificate. They must be bound to supply on requisition a price current of all articles of fluctuating value. This price current must always be presented to the Commanding Officer of a Regiment on his arrival in Duplicate. He should countersign one, and send it to the Collector for his information.

9. The Revenue Officer who is placed in charge of these arrangements is bound to see that the above provisions are complied with. It is also his duty to bring instantly to the notice of the Commanding Officer of a Regiment complaints that may be made by the Contractors of any injury they have received from Sepoys or Camp Followers. These representations may be made either verbally or in writing, and information should be sent of them to the Collector.

10. A Collector or Magistrate on receiving a well supported complaint against an Officer of the Army or detachment of Troops, should immediately send information of it to the General Officer Commanding the Division towards which the party complained against, is moving. He should at the same time furnish the Commissioner of the division with a copy of his representation.

11. *Surais.* There is every reason to believe that the Zumeendars and Bhutteearahs and other individuals will, with proper encouragement, erect *Surais* or other places of accommodation for Travellers at their own cost, either with a view to profit, or as a meritorious charitable act. It is on every account desirable that such efforts should be promoted to the utmost. Buildings of this description are on many accounts be preferable to Government *Surais.* The Police should be strictly prohibited from interfering in such matters, so as unduly to favor any party, or to derive to themselves a profit from the undertakings. Their watch should be kept outside the buildings, and they should never enter them in their official capacity, unless to repress evident breaches of the peace, or otherwise in the regular execution of their duty. They must be strictly prohibited from levying any dues from Travellers who may alight at *Surais,* or from compelling them to resort to particular places. Bhutteearahs must be protected in the fair exercise of their calling, and measures must be taken to enforce the same payments to them from Government Officers as are demanded from other individuals. If no private individual will erect a suitable *Surai* it may be expedient to build one at the Government expense, but in that case the Police must not be allowed to use any undue measures for promoting resort to the Government *Surai.*

12. *Police.* The preferable form for Murhellahs is that of a building slightly raised above the ground and close on the road, consisting of two rooms and a *verandah* in front. The Murhellahs, should be built at the distance of two miles the one from the other. Each Murhellah should contain a Burkundauze and two Chowkeedars, who should always be present at night, and each Chowkeedar should have charge of a mile's length of road immediately contiguous to the Murhellah on either side. A Murhellah of this description may be constructed for about Rs. 50.

13. Chowkees of larger dimensions and with accommodation for a Jemadar, two Sowars and several Burkundauzes, consisting of six rooms, and stabling for two horses should be erected at convenient posts.

14. The Tehseeldaroes and Thanahs should be brought as much on the Grand Trunk Road as may be consistent with other public objects.

15. It will be the duty of the Chowkeedars and of the Burkundauzes to afford protection to all Travellers with Merchandize or Goods who may stay for the night at *puraos* or other established halting places in their vicinity, but they must be strictly prohibited from compelling Travellers to stop at any particular place; nor must they be allowed to make any charge for the protection they afford. Travellers who require separate Chowkeedars for the protection of their baggage or tents at the established encamping grounds, will be furnished with them at a settled price by the Officer of the Collector's establishment who is stationed on the spot. For such Chowkeedars the established fee must be always paid.

16. The Tehseeldars along the road will generally be invested with the powers of Deputy Magistrates. In that capacity it will be their duty to see that all provisions are punctually paid for, and that all Coolies and hired Chowkeedars receive their proper wages. In the event of any complaints being preferred to them of non-payment, or ill treatment on the part of Troops or Travellers they will immediately bring the circumstances to the notice of the party against whom the complaint is lodged either verbally or in writing, and if the matter is not promptly and satisfactorily settled, they will take evidence to the facts, and will either dispose of the case themselves, or send a representation of it, with their opinion to the Collector or the Magistrate as may be necessary.

17. They will further exert themselves to prevent all exactions on the part of the Chowkeedars or Burkundauzes or other Officers of Government on the road whether directed against residents in the vicinity, traders or shop men located on the road, or Travellers passing along it. They will bring to the notice of the Collector or Magistrate, all instances of misconduct of this nature, with their recommendation as to the proper notice to be taken of the offence.

18. On the occurrence of any crimes upon the road especially where Travellers are concerned, it will be the duty of the Deputy Magistrates to enter upon the case directly, so that the parties may suffer no unnecessary detention. If the case be within their competency, they will dispose of it at once, otherwise they will send the criminal with the proceedings to the Magistrate for his final orders, and will suffer all others, who are concerned in the case, and may be no further required to pass on.

19. The Magistrate will pay particular attention to the characters of the Police Officers, who may be stationed along the road, and he will suitably encourage the deserving. In like manner the Collector will keep a vigilant watch over the Officers of his establishment, who may be entrusted with the Superintendence of supplies at the several encamping grounds. He will be careful that the supervision of the arrangements at each halting place is entrusted to one competent individual, and that this person be furnished with written authority to act, and with definite instructions both in English and Oordoo.

20. The Collector and Magistrate himself or one of his best qualified Assistants' will make it a point to visit the halting grounds, and the Chowkies, *Surais*, and other public buildings along the road as often as may be practicable, and during the cold

weather, some responsible Officer should, if possible, be charged with the duty of moving along the road, and seeing that existing Rules are observed.

21. The preceding directions will indicate the nature of the arrangements, which it is considered desirable to make, though sometime may elapse before all can be completed, and perhaps particular causes may prevent their universal adoption. It is intended that in the course of the approaching cold weather, Major Steel shall again pass along the road, and ascertain how much has been done, and how much more may be effected towards the accomplishment of the desired objects.

By order of the Hon'ble the Lieutenant Governor, North Western Provinces.

J. THORNTON,

Secretary to Government, N. W. P.

No. 3021 A of 1848.

NOTIFICATION.

JUDICIAL DEPARTMENT.

Agra, the 22nd May, 1848.

The Hon'ble the Lieutenant Governor, North Western Provinces, has been pleased to issue the following Rules for regulating the supply of Printed and Lithographed Forms and Statements for the use of all Departments of the public service.

I. All Forms and Statements required by Government Officers shall till further orders be provided by the Press belonging to the Orphan Asylum at Secundra.

II. No return shall be printed or indented for, till it has received the approval of one of the Officers at Agra agreeably to Departments as follows:

Civil Justice.	Register of Sudder Dewanny Adawlut.
Criminal Justice.	Register of Nizamut Adawlut.
Revenue.	Secretary of Sudder Board of Revenue.
Police.	Commissioner of Police, Agra Division.
Jails.	Inspector of Prisons.
Any not mentioned above,	Secy. to Government, General Dept.

III. Forms when approved shall be numbered in a consecutive series, which number, and the particular department, will be printed on the Forms in the left hand corner, and in a second line, the number of Copies composing the Edition shall be shewn with a letter to distinguish the Edition as follows:

REGISTER SUDDER COURT, No. 56.

A. 800.

56 being the number of the Form, A the first Edition, and 800 the number of Copies of that Edition.

IV. When an edition is printed it shall be paid for in full by the Officer of the Department at Agra, ordering it.

V. The Forms and Statements will be kept by the Superintendent of the Orphan Press at Secundra, who will receive from Government an allowance of Rs. 130 per mensem for the care of them; and he will, on the receipt of indents countersigned by the Officer of the Department at Agra, forward them to the district Officers accompanied by a letter of advice and a receipt for signature.

VI. The Press will be answerable for any loss which may arise from pilfering or carelessness, but not from any unavoidable calamity, or act of God.

VII. A monthly Statement as per margin* will be furnished by the Press to the Officer of each Department ordering Forms; shewing the number of copies of each Form printed, used, and remaining in store; and with it a Bill for the Forms printed, and the receipts of the district Officers which are the vouchers for those used.

*Statement of (Revenue) Forms for the month of——

Number.	Remaining from last month.	New Edition Printed.	Total.	Used.	Balance to be brought forward next month.	Issued, but the receipts have not been received back.	Number of Forms actually in store.	Remarks.
1	250	0	250	50	200	50	150	* A *takeed* for the receipt has been sent to the Collector of Benares.
2	200	0	200	0	200	0	200	
3	125	600	725	200	525	30*	495	
4	1350	0	1350	850	500	0	500	

Particulars of (Revenue) Forms supplied during the month of——

Number.	To whom supplied.	Number of Copies.	Total.	Remarks.
1	Collector of Benares, ...	50	50	
3	Collector of Agra, ...	100		
	Collector of Muttra, ...	100	200	
4	Collector of Cawnpore, ...	850	850	

VIII. A complete set of Forms shall be lodged by the Heads of Departments with each of their subordinate Officers. Additions and amendments to these are only to be made by the head of a Department, who will take into consideration the number of copies of any return in store before making any alteration which would render useless any large number of Skeleton Forms.

IX. Forms shall be indented for in any mode, and at any time pointed out by the head of the Department; but the Form of indent should show the number then in store, and the number expended during the preceding half year, or year.

By order of the Hon'ble the Lieutenant Governor, North Western Provinces,

J. THORNTON,

Secretary to the Government, N. W. P.

NOTIFICATION BY THE HON'BLE THE LIEUTENANT GOVERNOR, NORTH WESTERN PROVINCES.

No. 3200 OF 1808.

JUDICIAL DEPARTMENT.

Agra, the 6th June, 1848.

The Hon'ble the Lieutenant Governor, has been pleased on the recommendation of the Court of Nizamut Adawlut, to modify the present rules, regarding the release of Prisoners on account of Blindness, Infirmity or any other cause, and to issue the following rules on the subject.

I. All applications for the release of Blind or Infirm Prisoners from Jails under the control of the Inspector of Prisons, must be made to him by Magistrates or other Local Officers in charge.

II. The Inspector of Prisons is hereby authorized to release all Prisoners whose sentence of Imprisonment does not exceed three years, and whose bodily infirmity has been certified.

III. The Inspector of Prisons will forward to the Court of Nizamut Adawlut, applications for the release of Blind and Infirm Prisoners whose sentence exceeds three years, but he is allowed to reject altogether such as may appear unworthy of consideration or open to rejection by reason either of the enormity of the convict's crime, the turbulence of his character, or other cause.

IV. The Court will as heretofore issue final orders regarding all Blind and Infirm Prisoners, whose sentence does not exceed five years, and will forward to Government cases in which such Prisoners, though sentenced to periods of Imprisonment beyond five years, are deemed proper objects of mercy.

V. From districts which are under the Court, but not under the Inspector of Prisons, applications must in all cases be submitted through the Sessions Judge or other controlling authority, direct to the Nizamut Adawlut.

VI. Applications for the release of Prisoners on account of good conduct or any other cause than bodily infirmity, must be made through the Inspector of Prisons (or where his authority does not extend, through the controlling authority,) and the Nizamut Adawlut to the Government, with whom alone rests the power to order release in such cases.

By order of the Hon'ble the Lieutenant Governor, North Western Provinces.

C. ALLEN,

Officiating Secretary to the Government, N. W. P.

No. 4409 of 1848.

NOTFICATION.

REVENUE DEPARTMENT.

The 30th August, 1848.

1st. Under the powers vested in the Lieutenant Governor of the North Western Provinces, by Section 1, Act VII. of 1845, the Provisions of the Act in question are declared applicable to the Canals and Water-courses constructed at the expense of Government, from the rivers Paha, Kitcha, Dhora and Eastern Bhygool in Zillah Bareilly.

2nd. In conformity with Section 8 of the aforesaid Act, the Superintendent of the said Canals is invested with the powers of a Deputy Collector for the levy of Rents, and of a Joint Magistrate for the enforcement of Penalties under the aforesaid Act, and his Assistant is declared competent to exercise the same powers under his directions and on his responsibility. The subordinate Establishments of such Superintendents have the powers of subordinate Revenue and Police Officers for the aforesaid purposes. An appeal lies direct to the Commissioner of the division against orders passed by the Superintendent or his Assistant in the capacity of Deputy Collector, and to the Sessions Judge against orders passed in the capacity of Joint Magistrate.

3rd. The Officers at present holding the above appointments and invested with the above powers are Captain Jones, Engineers, Superintendent, and Lieutenant Owen, N. I. Assistant.

Rules for the Canals, from the Rivers Paha, Kitcha, Dhora and Eastern Bhygool.

1. Cultivators whose lands lie within reach of these Canals, may on their application within the prescribed dates, receive Water at the following rates:

Description of Produce.	Per Acre.			Per Kutcha Beegah.			For what Period.
	Rs.	A.	P.	Rs.	A	P.	
1*st Class.*—Fruit or Nursery Gardens, ...	1	9	0	0	4	0	Per annum.
2*nd. Class.*—Vegetable Gardens, Indigo. Sugar-cane, Tobacco, Singhara, cultivated Grass, as Lucerne, Guinea-grass, Ajwain and similar herbs, ...	0	12	6	0	2	0	Per annum or crop.
3*rd. Class.*—Gram, Rice, Cotton, Wheat, Oats, Barley, Indian Corn, Goochnee. Vegetable, (single crop) Safflower, ..	0	6	3	0	1	0	Per crop.
4*th. Class.*—Doopaee, Pulse, Oil seed, &c.	0	3	1½	0	0	6	Per crop.

N. B.—Artificial irrigation at half the above rates.

II. In the event of any person secretly taking water from the Canal in any manner, for which rent is leviable, without coming under engagements to pay the rent, or secretly taking more water than he engaged to pay for, he shall be chargeable with double rates for all water so taken.

III. When from carelessness of the cultivators either in not properly closing the heads of their Water-courses, or in leaving their Water-courses in bad order, the water overflows and spreads over waste or fallow land or road, a fine shall be levied not exceeding the highest rate of water rent, on the extent of lands so flooded.

IV. It shall be in the power of the Canal Officers to close the whole of the branch Water-courses from sun set to sun rise for the purpose of forcing the water on to the lower part of the Canal, and also when necessary, for any period not exceeding three days in a week. At other times the water shall be at the command of the cultivators, provided it be in the power of the Canal Officers to furnish a supply. Persons taking water once shall be liable to the charge for the whole year, or the whole crop, as the rate may be leviable.

V. When a branch Water-course may have been formed by the owners of two or more villages at their joint expense, and the owners of any one of the villages, by refusing or neglecting to clear out their Water-course shall impede the free flow of the water, the Superintendent shall be competent to cause the Channel to be cleansed at public expense, and shall recover such sums as Tuccavee from the owners of the adjacent village, or the villages profiting thereby, in such proportions as he may consider just and according to the method prescribed in these rules.

VI. The Superintendent and his Assistant, in realizing balances of Tuccavee on water rent, are empowered to proceed themselves against the persons or personal property of the defaulter, but if they consider it necessary to proceed against the real property of defaulters they will address a requisition to that effect, to the Collector of the district in which such property is situated. The Collector on receiving the requisition will proceed in the same manner as he would on any similar requisition addressed to him by the Collector of another district.

VII. Special agreements between individuals and the Superintendent for the use of water for irrigation or driving machinery or for other purposes on other terms than are embodied in these rules, shall be construed as other ordinary contracts are.

VIII. The Superintendent is at liberty to reject applications for water, provided they are not sent in by a certain date, viz: for the *rubbee* the 1st December; for the *khurreef* the 1st April.

A. SHAKESPEAR,

Assist. Secretary to Government, N. W. P.

No. 4457 of 1848.

JUDICIAL DEPARTMENT.

The 2nd September, 1848.

With reference to the Notification of April 28th, 1848, regarding the supply of Provisions and Protection of Travellers along the Grand Trunk Road, the Hon'ble the Lieutenant Governor is pleased to publish for general information, the annexed Circular letter addressed under orders of the Right Hon'ble the Commander-in-Chief, to all Officers Commanding Regiments.

By order of the Hon'ble the Lieutenant Governor of the North Western Provinces.

A. SHAKESPEAR,

Assistant Secretary to Government, N. W. P.

CIRCULAR.

No. 1528.

Adjutant General's Office,

Head Quarters, Simla, 15th August, 1848.

SIR,

I am directed by the Right Honorable the Commander-in-Chief to transmit, for your information, the accompanying copy of Notification by the Honorable the Lieutenant Governor, North Western Provinces, dated 28th April, 1848, and to request your particular attention to those paragraphs connected with the subject of providing for the march of Troops, &c., along the Grand Trunk Road, from the river Kurmnassa to Kurnal.

It will be your duty, when the Corps under your command is required to proceed along that route, to give every support and protection to the different Contractors established by Government; they will supply all Regimental Bazars whole-sale, in the usual manner, as prescribed in the rules to the Civil and Military Authorities, in General Orders, No. 15, dated 21st January, 1833, but small detachments and individuals of the Corps proceeding on duty, or leave, will be supplied at the *Burdasht Khana*, where such is established.

3. To enable the Contractor to be duly prepared with a supply of firewood, in convenient quantities, it is desirable that you should state, as far as practicable, at

the foot of your indent, the probable number of bundles of firewood, of the value of one pice each, that may be required for the consumption of the Corps; the quantity will of course vary with the price of the wood, from 2 to 2½ seers.

4. It is also desirable that no imposition should be practiced on the Troops, and to prevent this as far as possible, the Contractor will be furnished with a nerrick, in Oordoo and English, of articles of fixed value; and of those fo fluctuating price you will be furnished with a copy of the nerrick in duplicate; one of which you will countersign and send the Collector by Dawk, noticing at the same time, any disposition to impose upon your men, an inferior article, or improper prices.

5. To prevent the necessity for future complaint or reference to the Officer commanding the district or division, it is desirable that the Revenue and Police Officers, and even the Villagers residing in the vicinity of Camp, should have ready access, that you may quickly learn if any thing has occurred deserving your attention.

6. The Posting of Sentries round the Camp, as soon as the advanced Guard has reached the new ground, with instructions to prevent Camp-followers or any others from introducing firewood, straw or other forage, pilfered, or forcibly taken, from the neighbouring villages, will have considerable effect in preventing cause of complaint. The Native Officer on duty should be held responsible for the enforcement of this order, and have instructions to bring any individual into Camp who may wish to prefer a complaint.

7. On the march of the Corps, the Quarter Master, as well as the European and Native Officers of the day, should be directed to visit the Bazar daily, to see that no just cause of complaint exists on the part of the Contractors or others attending with supplies.

8. Detachments and men proceeding on leave of absence should be warned, that the Tehseeldars, as Deputy Magistrates, stationed along the road, have instructions to investigate the complaints of all hackery-men, or men seized as Begaries, in defiance of the orders of the Governor General of the 24th March 1820, (which should be again read and explained to the Corps) as well as of men, who have been employed and discharged without adequate payment.

9. They must also be instructed that they are not entitled to the gratuitous service of Buttheearahs, in the several *Serais*, but must pay the same as other Travellers, for any accommodation they require.

10. General Orders by the Governor General in Council, dated 15th January, 1811, and General Orders of the Commander-in-Chief of the 13th February, 1811, prohibit, in the strongest terms, the levy of any duty, tax, or dustooree, under any pretence whatever. His Lordship is sorry to learn that Kotwals and Chowdries of Regimental Bazars are not only in the habit of taking dustooree on all money paid for supplies furnished their Bazar, but that the weighmen exact a certain portion on every maund of grain supplied, which naturally enhances the price to the consumers, who are entitled to your protection, and whose interests it is your duty to guard. Such proceedings may in some measure account for any reluctance of individuals to deal with their Regimental Bazar, and impair its efficiency.

11. The Commander-in-Chief is informed that such money is occasionally paid on the march, for fear of an unfavorable report being made on the supplies furnished. In the event of any such occurrence, it will be your duty not to be guided by the report of the Chowdrie or russud guard only, but to make a most particular investigation, and that by a Committee of Native Officers, superintended by a Captain or Senior Officer, copy of whose report should be transmitted for the information of the Collector, that he may take the proper steps to prevent a recurrence of similar impropriety. Their examination should not be confined to a sample, but to the whole quantity provided.

12. The orders which direct a Native Commissioned Officer to be detached, in advance, to look after the russud, have been some time lost sight of: your attention is therefore required to this important point; and you will warn the Officer selected for this duty, that if any of the party under his command misconduct themselves, by taking firewood or grain, &c., he will be held responsible for their misbehaviour.

13. I am also directed to call your attention to the Adjutant General's Circular, No. 1553, of the 15th October, 1832, and also to General Orders by the Commander-in-Chief of the 30th August, 1836, regarding indents for supplies, with a view to prevent any unnecessary expence being entailed on Government from excess of indent, or its including articles not procurable on the spot, and of the propriety of revising it should you at any time find it beyond what may be your daily consumption.

14. You will be careful to have your Bazar, &c. supplied at the larger cities or stations you may pass through, with Sugar-Candy, Soojee, Tea, &c., and other articles not in general use, or procurable at the Native villages, that may be required, as such articles cannot be supplied on indent.

15. In detaching Sepoys with Commissariat Cattle for forage, they should be instructed not to permit any trees, &c., to be destroyed in the vicinity of the houses of the inhabitants, or temples, or allow any money to be exacted for the exemption of any particular trees, &c., lest they should be implicated in any subsequent charge, which may be made as affecting the conduct of the Regiment on that account.

16. As Bhoosa and other dry forage will be obtainable at the *Burdasht Khana*, Sepoys should not be employed to compel any forced delivery of that article.

17. The Commissariat Agent proceeding with the cattle attached to a Regiment should be prohibited indenting for a larger supply of grain than is actually required, and he should be warned against exacting any dustooree, or receiving any description of perquisite. He is to be provided with a nerrick for the quantity of grain only that he may purchase.

18. The Commander-in-Chief regrets to find that the repeated and explicit orders, more particularly those in the Circular letter of the Adjutant General, No. 1553, of the 15th October, 1832, on the subject of the march of Troops have been frequently disregarded, and he trusts that such attention will be paid to them in future, as to prevent any charge of improper conduct on the part of a Regiment being brought by the Civil authorities to His Lordship's notice.

19. You will cause the several orders adverted to in this letter, as well as the notification of the Honorable the Lieutenant Governor, North Western Provinces, to be read and explained to the Regiment as far as concerns their personal conduct, that they may be fully aware what is required of them, and how they are expected to act in upholding the credit of the Regiment to which they have the honor to belong, and you will record in your monthly return when such orders are read.

I have, &c.,

PAT. GRANT, *Lieut. Colonel,*

Adjutant General of the Army.

No. 4550 OF 1848.

REVENUE DEPARTMENT.

The 12th September, 1848.

The Hon'ble the Lieutenant Governor is pleased to invest all Collectors and Deputy Collectors in the ceded and conquered provinces, and in the Dehli division, with special powers under Section 20, Regulation VII. 1822, and in the province of Benares with the same powers under Section 3, Regulation IX. 1825.

2nd. At the same time the attention of all Officers in the Revenue Department, is desired to the following remarks on the nature of the powers thus entrusted to them and the mode in which they are to be exercised.

3rd. The object of the measure is to enable the Collectors to complete the record of rights in land, which should have been made at the time of settlement, and to correct the existing record, whenever it is found to be at variance with fact.

4th. The power is to be restricted to the declaration of rights in possession. The extent and nature of these rights may be defined; but the claim of a person who has been out of possession for a year cannot be heard, nor can a right, which has been clearly enjoyed by one of two parties in possession, be transferred to another. Rights in common property may be declared and defined, and partition ordered. The terms of Section 14, Regulation VII. 1822, sufficiently define the limits of the powers which are to be exercised. The provisions of Section 16 are not put in force.

5th. The Revenue Officer is not bound to take up every complaint that is made to him nor is he restricted in his investigation to the consideration of the precise point, which is stated by the petitioner. He is competent to refuse an investigation, where he does not consider it necessary, and he is comptent of his own proper motion to enter upon an investigation, or to extend, in such manner as he may think fit, an investigation that has been commenced on the petition of a party,

therein consists the main distinction between the jurisdiction of the Dewanny Courts, and of the Revenue Authorities. The former cannot refuse to consider any question that is placed before them by a person who considers himself aggrieved, and must confine their enquiry that to question. The Revenue Authorities can decline an enquiry which they think unnecessary, and they can originate an enquiry which they think necessary.

6th. An appeal will always lie to the Commissioner on both points, viz., on the refusal to enquire, when enquiry is desired, and on the determination to enquire, when enquiry is not desired. The Commissioner can revise the proceedings of a Collector or Deputy Collector, without an appeal being preferred to him and he can summarily reject an appeal, if he considers his interference unnecessary.

7th. In order to ensure regularity of procedure every Collector should open a file of cases under Section 14, Regulation VII. 1822.

8th. Cases investigated under the Regulation will regard whole Mouzahs, or parts of Mouzahs; or the entire property, or one or more particular rights of an individual. They must be numbered and entered on the file, according to the date of institution. Cases may be brought on the file either by the petition of a person considering himself aggrieved, or by special order of the Officer. When a petition for enquiry is rejected from whatever cause the case must still be entered on the file. It may be considered sufficient reason for rejection of the petition that the Collector has not leisure as it is evidently impossible that he should at once enter upon the investigation of all such questions. The petitioner always has his remedy in the Civil Court. It will, however, rest with the Commissioner to determine on appeal, whether the case is of so much importance as to require that it be immediately decided to the preference of other work. The Commissioner or the Sudder Board of Revenue, is also competent to interdict the hearing of such cases in any particular district, or before any particular Collector or Deputy Collector when they consider it expedient to do so.

9th. When a Collector by his own order places a case on the file, he must record a proceeding setting forth the grounds of his determination to make the enquiry. The Commissioner on the appeal of any dissatisfied party can decide, whether the grounds assigned are sufficient, or whether the proposed course of procedure is otherwise expedient. The Commissioner should be careful that the Collector's file be not over loaded, so as unnecessarily to cause the agitation of many questions, which cannot be brought to an immediate issue.

By order of the Hon'ble the Lieutenant Governor, North Western Provinces.

C. ALLEN,

Officiating Secretary to Government, N. W. P.

NOTIFICATION BY THE HON'BLE THE LIEUTENANT GOVERNOR OF THE NORTH WESTERN PROVINCES.

No. 4798 OF 1848.

JUDICIAL DEPARTMENT, *the 28th September*, 1848.

The following Abstracts of Receipts and Disbursements on account of Local Funds at Nynee Tall from 1st May to 31st December 1846, and for the year 1847, and at Simla from 1st May to 31st December 1845, and for the year 1846, are published for general information.

NYNEE TALL FUND.

Receipts.	*May to December*, 1846.			1847.			*Disbursements.*	*May to December*, 1846			1847.		
	Rs.	*A.*	*P.*	*Rs.*	*A.*	*P.*		*Rs.*	*A.*	*P.*	*Rs.*	*A.*	*P.*
Balance of former Year, ...	122	13	9	211	14	10	Roads (constructing and repairing,)	1162	8	3	908	6	1
Government Donation, ...	0	0	0	0	0	0	Establishment including House Rent,	851	11	8	980	8	0
Assessment on Houses, &c., ...	1400	0	0	1252	7	0	Public Buildings (repairs and construction,)	516	12	0	621	3	0
Sale of Sites, ...	0	0	0	0	0	0	Reservoirs for Water (ditto, ditto,)...	0	0	0	0	0	0
Fines,...	0	0	0	0	0	0	Police Establishment, ...	0	0	0	0	0	0
Ground Rent and Tax, ...	1205	4	0	864	15	0	Contingencies, ...	20	3	0	73	4	9
Subscriptions, ...	35	0	0	98	0	0	Balance in favor of the Fund, ...	211	14	10	14	15	0
Abkaree, ...	0	0	0	171	0	0							
Miscellaneous, ...	0	0	0	0	0	0							
Balance against the Fund, ...	0	0	0	0	0	0							
Total, ...	2763	1	9	2598	4	10	Total, ...	2763	1	9	2598	4	10

(Signed) C. GRANT,
Accountant, N. W. P.

Accountant's Office, N. W. P., Agra, 15th September, 1848.

SIMLA FUND.

Receipts.	*May to December*, 1845.			1846.			*Disbursements.*	*May to December*, 1845			1846.		
	Rs.	*A*	*P.*	*Rs.*	*A.*	*P.*		*Rs.*	*A*	*P.*	*Rs.*	*A.*	*P*
Balance of former Year, ...	3957	10	6	6297	6	11	Roads (constructing and repairing),	2634	6	6	2876	4	2
Goverment Donation, ...	0	0	0	0	0	0	Establishment including House Rent.	348	15	3	572	5	0
Assessment on Houses, &c, ...	0	0	0	0	0	0	Public Buildings (repairs and construction), ...	574	4	5	1218	5	0
Sale of Sites, ...	0	0	0	0	0	0	Reservoirs for Water (ditto ditto,)	83	13	3	110	9	1
Fines, ...	9	12	0	0	0	0	Police Establishment, ...	1504	0	0	2256	0	0
Ground Rent and Tax, ...	4890	5	1	5557	9	5	Contingencies, ...	126	5	9	218	6	1
Subscriptions, ...	0	0	0	0	0	0	Balance in favor of the Fund, ...	6297	6	11	9038	3	4
Abkaree, ...	2632	8	0	4368	1	4							
Miscellaneous, ...	79	0	6	66	15	0							
Balance against the Fund, ...	0	0	0	0	0	0							
Total, ...	11569	4	1	16290	0	8	Total, ...	11569	4	1	16290	0	8

(Signed) C. GRANT,

Accountant, N. W. P.

Accountant's Office, N. W. F. Agra, the 15th September, 1848.

By order of the Hon'ble the Lieutenant Governor of the North Western Provinces.

C. ALLEN,

Offg. Secy. to the Govt, N. W. P.

NOTIFICATION.

No. 4918 of 1848.

REVENUE DEPARTMENT.

Agra, the 6th October, 1848.

The Honorable the Lieutenant Governor for the North Western Provinces, is pleased with the sanction of the Right Honorable the Governor General to publish for general information the following Rules regarding Medical attendance on all Officers and their Establishments employed in the interior of districts on Civil duties, such as the conduct of Surveys, and the construction of Roads, Canals, &c.

2. The Surgeon or Assistant Surgeon in charge of the Civil Station of the district, in which the parties are employed is bound to render Medical attendance to them whenever called upon to do so.

3. In the event of the Medical Officer being required to visit a party at a distance from the Station he will in conformity with the orders of the Honorable the Lieutenant Governor, North Western Provinces, dated the 4th November 1844, be entitled to draw 8 annas per mile as travelling allowance, and 5 Rupees per day during the period of such necessary absence from the Sudder Station.

4. When any persons on such Establishments are received into Hospital, the Civil Surgeon will be entitled to draw 3 annas per diem for each person in conformity with G. O. G. G. in Council, dated June 9th, 1821.

5. The allowances due under the abovementioned Rules will be drawn for in the Contingent Bill of the Establishment, in behalf of which the charge is incurred.

6. All Officers of the Army attached to such Establishments as are herein mentioned, whenever residing within the limits of Military Cantonments, will be attended by the Staff Surgeon of the Station.

7. The above rules will be superseded whenever the establishments of the nature above stated are of such magnitude as to require special provision for the Medical attendance upon them.

C. ALLEN,

Officiating Secretary to the Government, N. W. P.

NOTIFICATION.

No. 5324 of 1848.

JUDICIAL DEPARTMENT.

Agra, the 3rd November, 1848.

All Magistrates or Collectors who on a requisition addressed to them under Section 3, Regulation XI. of 1806, may provide Carriage or Bearers to the Commissariat Department are desired to furnish correct nominal Rolls with specifications of the amount of advance made to each individual, and the rate of pay they are to receive. These should be made in Duplicate, one copy being transmitted with the despatch of Carriage or Bearers, and the other sent by Dâk to the Commissariat Officer, to whom the despatch may be made.

Any Officer who delays or neglects to furnish these Rolls will incur a serious responsibility for the advance given to the parties—when the Commissariat Officer does not promptly repay the advance, reference should be made to the Military Board.

By order of the Hon'ble the Lieutenant Governor, North Western Provinces.

C. ALLEN,

Officiating Secretary to the Government, N. W. P.

NOTIFICATION.

No. 5481 of 1848.

JUDICIAL DEPARTMENT.

The 13th November, 1848.

The Hon'ble the Lieutenant Governor authorizes the Inspector of Prisons in the North Western Provinces, to exercise the same power as Commissioners and Sessions Judges possess in sanctioning rewards not exceeding 100 Rupees, in each case, to guards and other public Officers for good conduct on the occurrence of breaches of Jail discipline.

Applications for the offer of rewards exceeding 100 Rupees, in each case, must be submitted for the sanction of Government through the Inspector of Prisons, with a detail of the circumstances.

All Magistrates are requested in future to forward their applications for the offer of such rewards to the Inspector of Prisons, who will dispose of them according to the above instructions.

By order of the Hon'ble the Lieutenant Governor, North Western Provinces.

C. ALLEN,

Officiating Secretary to the Government, N. W. P.

NOTIFICATION.

No. 5705 OF 1848.

AGRA, REVENUE DEPARTMENT.

The 28th November, 1848.

As much doubt exists regarding the terms on which Grants of Waste Lands, the property of the Government in the North Western Provinces, are to be obtained, the Honorable the Lieutenant Governor is pleased to direct that the following documents, compiled from official sources, be published for general information.

1st. Rules regarding the Grant of Waste Lands in the North Western Provinces.
2nd. Revised Form of Warrant for Grants of Land.
3rd. Instructions to Surveyors in making allotments of Waste Lands for Grants.

By order of the Honorable the Lieutenant Governor of the North Western Provinces.

C. ALLEN,

Officiating Secretary to the Government, N. W. P.

RULES regarding the Grant of Waste Lands belonging to the Government in the North Western Provinces.

1st. The total area of any one Grant is not to exceed 4000 acres of culturable Land.

2nd. No Grant will be made till the Land has been surveyed and mapped, and until it has been determined how much of the area is culturable, and how much unculturable. The facts thus determined will not be open to future questions by the Grantee.

3rd. The assessment will be levied on $\frac{3}{4}$th of the culturable area included in the Grant. The unculturable and $\frac{1}{4}$th of the culturable area will be at the disposal of the Grantee during the period of the lease, if he fulfil the terms of the Grant, and on the expiration of the lease, the whole Grant will be considered his property, to be held on the same terms as other Land paying revenue to Government.

4th. The demand of the Government will be fixed, according to the following rates, on the supposition that 1-20th of the whole of the area liable to assessment, or in other words of $\frac{3}{4}$th of the culturable area, is brought into cultivation in each of the first 20 years of the lease, so that the maximum assessment will be reached in the 29th year. The lease will be for 50 years.

5th. The rates leviable on each acre brought into cultivation will be the following:

Annual Increase, 31 *Gundahs,* (20 *to the Anna.*)

		Rs.	As.	Gs.		Rs.	As.	Gs.
3 Years, ... Nil.	5th Year,	0	4	11	8th Year,.. ..	0	9	4
	6th Year,..	0	6	2	9th Year,.. ..	0	10	15
4th Year of Lease, 0 3 0	7th Year,..	0	7	13	10th Year, ...	0	12	6

6th. The demand of these rates from every 100 acres of Land liable to assessment, *(i. e.* $\frac{3}{4}$th of the culturable Land) will be as follows:

Year.	In decimals of a Rupee.	In Rs.	As.	Gs.	Year.	In decimals of a Rupee.	In Rs.	As.	Gs.
1st Year, ...	Nil.	Nil.			18th Year, ...	47·484375	47	7	15
2nd Year, ...	Nil.	Nil.			19th Year, ...	51·328125	51	5	5
3rd Year, ...	Nil.	Nil.			20th Year, ...	55·171875	55	2	15
4th Year, ...	0·937500	0	15	0	21st Year, ...	59·015625	59	0	5
5th Year, ...	2·359375	2	5	15	22nd Year, ...	62·859375	62	13	15
6th Year, ...	4·265625	4	4	5	23rd Year, ...	66·703125	66	11	5
7th Year, ...	6 656250	6	10	10	24th Year, ...	69·609375	69	9	15
8th Year, ...	9·531250	9	8	10	25th Year, ...	72·031250	72	0	10
9th Year, ...	12·890625	12	14	5	26th Year, ...	73·968750	73	15	10
10th Year, ...	16·734375	16	11	15	27th Year, ...	75·421875	75	6	15
11th Year, ..	20·578125	20	9	5	28th Year, ...	70·390625	76	6	5
12th Year, ..	24·421875	24	6	15	29th Year, and following to end of 50th Year,	76·875000	76	14	0
13th Year, ..	28·265625	28	4	5					
14th Year, ..	32·109375	32	1	15					
15th Year, ..	35·953125	35	15	5					
16th Year, ..	39·796875	39	12	15					
17th Year, ..	43·640625	43	10	5					

7th. The right of the public to roads in the Grant shall not be interfered with. The Grantee shall also pay 1 per cent, on the Government Jumma for keeping up the Public Roads, but he shall not hereby have any claim for assistance in the maintenance of Private Roads in the Grant.

8th. If no commencement be made to clear the Land within the lst year of the lease, the Grant shall be void, and the Land shall be resumable by the Government, who may dispose of it, as they think proper.

9th. If ¼th of the whole assessable area be not cleared and cultivated, within the first five years, the uncultivated portion of the Grant shall be at the disposal of the Government, and the Grantee shall be liable to a fine of 4 annas for every acre of the ¼th remaining uncultivated.

10th. If one-half of the whole assessable area be not cleared and cultivated in ten years, the uncultivated portion of the Grant shall be at the disposal of the Government, and the Grantee shall be liable to a fine of 4 annas for every acre of the one-half remaining uncultivated.

11th. If the whole assessable area be not cleared and cultivated in 20 years, the uncultivated portion shall be at the disposal of the Government, and the Grantee shall be liable to a fine of 4 annas for every acre remaining uncultivated.

12th. A fine incurred under any of the three preceding Clauses shall be leviable from the cultivated portion in the same way as any ordinary balance of Land Revenue, but the person and other property of the Grantee shall not be liable for the amount.

13th. Whenever under the 9th, 10th and 11th Clauses, the uncultivated portion of a Grant is at the disposal of the Government, and the Grantee shall pay up the fine due from him, the cultivated Land with ⅓rd as much again of culturable Land, and any portion of unculturable Land, which the Government may see fit to annex, shall be formed into a new Grant and left in the hands of the Grantee. The terms on which this Grant is to be held shall be calculated according to the rates in para. 5, on the supposition that equal portions of the cultivated area, had been brought into cultivation in each year of that period of the lease which had expired at the time of forfeiture. The Grant thus formed shall have its boundaries marked, and shall be surveyed and mapped as a separate Mehal or Estate, settled for 50 years from the date of the original Grant.

14th. In order to ascertain that the conditions in Clauses 8th, 9th, 10th and 11th have been fulfilled, the Government shall be at liberty at any time to measure the Grant, and if the stipulated portion of the assessable area is not then found to have been cleared and cultivated, the Government will be at liberty to enforce the penalties.

15th. The cultivated portions of all Grants of Lands, made under these rules will be considered Khalisah Mehals, *i. e.*, Estates paying revenue to Government, and subject to all the conditions attaching by law to such tenures. The Grantee will be considered as the proprietors of such Mehals or Estates, and subject to all the liabilities legally attaching to such persons.

16th. The Grant is considered only as conveying a right to the Land for the purposes of cultivation, and to all the products of the cultivated Land, but as not giving a right of property in the spontaneous products of the Land, or in the minerals which may lie upon or beneath the surface. Wherever any persons have been accustomed to use or consume these products, the Grantee shall not interfere with them, so long as they do not trespass upon or otherwise injure the cultivated portion of the Land. Where no customary right to such products exists, the Government, if it does not require the products itself, will permit the Grantee to use or to consume them, subject to such conditions as it may have imposed, or may see fit at any future time to impose.

17th. For the preservation of the public peace, it shall be incumbent on the Grantee to maintain a Chokeydar for every 60 Houses or Families resident on the Grant. The Chokeydar shall receive for his support either 5 acres of good cleared Land rent-free, or a monthly money allowance of not less than 2 Rs. 8. Ans. For every three Chokeydars there shall also be maintained at the expense of the Grantee a Goryt or Reporter, with a Jageer of not less than 3 acres of good cleared Land, or a monthly allowance of not less than 2 Rupees.

18th. It shall be incumbent on the Grantee to erect and maintain wholly or partly at his own expense, permanent Land marks, showing the boundaries of the Grant.

19th. The Government reserves the right which it every where possesses, over all running streams of water, whether for purposes of irrigation or navigation, and whenever it seems fit, can assume the control of the waters and distribute them in such manner and on such conditions as may seem most conducive to the public good. The right over these waters can only be obtained by individuals under special Grant of the Government.

20th. Grants of Land on the above terms, as they are applied for will be put up to public competition, and will be assigned to the highest bidder, or to the applicant without any premium being demanded, if there be no bid or offer made by another person.

FORM OF WARRANT FOR GRANTS OF LAND.

KNOW all men by these presents that the Hon'ble the Lieutenant Governor of the North Western Provinces, has been pleased to confer on
his Heirs, Executors, Administrators and Assigns, the Grant of a tract of Waste Land measuring British Statute Acres
situate in to be holden by him on the conditions hereafter stated, that is to say, for the first 50 years on the following conditions:

1st. The Grantee is to clear according to the undermentioned proportions the whole tract within the period of 20 years, with the exception of
acres of irremediably barren Land, and ¼th, or
acres of the remainder deducted as approved of by Government.

2nd. If no commencement be made to clear within the first year, the settlement is to be void and the Grant resumable by Government, who may dispose of it, as they think proper.

3rd. If acres be not cleared and cultivated within the first five years, the uncultivated Land is to be at the disposal of Government, and the Grantee to be liable to a fine of 4 annas for every one of the acres remaining uncultivated.

4th. If acres be not cleared and cultivated in ten years, the uncultivated Land is to be at the disposal of Government, and the Grantee to be liable to a fine of 4 annas for every one of the acres remaining uncultivated.

5th. If acres be not cleared and cultivated in 20 years, the uncultivated Land is to be at the disposal of Government, and the Grantee to be liable to a fine of 4 annas for every one of the acres remaining uncultivated.

6th. A fine incurred under any one of the three preceding Clauses is to be leviable from the cleared portion of the Grant in the same way as any ordinary balance or Land Revenue, but the person and other property of the Grantee are not to be liable for it.

7th. The Grantee is to pay according to the Kistbundees in use in the following yearly Jummas, viz:

Years. F. S.	Jumma.	Years. F. S.	Jumma.
1..... or..... „	Nil.	16 .. .. or..... „	
2 ..... „ ..... „	Nil.	17..... „ ..... „	
3..... „ ..... „	Nil.	18..... „ ..... „	
4..... „ ..... „		19..... „ ..... „	
5..... „ ..... „		20..... „ ..... „	
6..... „ ..... „		21..... „ ..... „	
7..... „ ..... „		22..... „ ..... „	
8..... „ ..... „		23..... „ ..... „	
9..... „ ..... „		24..... „ ..... „	
10..... „ ..... „		25..... „ ..... „	
11..... „ ..... „		26..... „ ..... „	
12..... „ ..... „		27..... „ ..... „	
13..... „ ..... „		28..... „ ..... „	
14..... „ ..... „		29..... „ ..... „	
15..... „ ..... „			

8th. The right of the public to Roads in the Grant is not to be interfered with. The Grantee is to pay a contribution of one (1) per cent. per annum on the amount of his Jummas for the year, in lieu of all demands of the State for aid in repairing the high Roads. The Grantee will have no claim on the Government for making or repairing private Roads.

9th. The standard of measurement is to be the British Standard Acre, consisting of 4840 square yards, and the Government shall be at liberty at any time to measure the Land, with the view of ascertaining that the conditions respecting the clearance of the specified portion of Land by each of those periods have been fulfilled.

10th. The Grantee is to erect permanent boundary marks round his Grant, and to keep them in a state of repair.

11th. The cultivated portion of this Grant of Land is to be considered a Khalisah Mehal, *i. e.*, an Estate paying revenue to Government, and subject to all the conditions attaching by law to such tenures. The Grantee is to be considered during the currency of the lease, as the proprietor of such a Mehal or Estate, and subject to all the liabilities legally attaching to such persons.

12th. This Grant conveys a right to the Land for the purposes of cultivation, and to all the products of the cultivated Land, but does not give a right of property in the spontaneous products of the Land, or in the minerals which may lie upon or beneath the surface. Wherever any persons have been accustomed to use or to consume these products, the Grantee shall not interfere with them so long as they do not trespass upon or otherwise injure the cultivated portion of the Land where no customary right to such products exists, the Government, if it does not require the products itself, will permit the Grantee to use or to consume them, subject to such conditions as it may have imposed or may see fit at any future time to impose.

13th. For the preservation of the public peace, the Grantee shall on the requisition of the Magistrate, maintain a Chokeydar for every 60 Houses or Families resident on the Grant. The Chokeydar shall receive for his support either 5 acres of good cleared Land rent-free, or a monthly money allowance of not less than 2 Rupees 8 Annas. For every three Chokeydars, there shall also be maintained at the expense of the Grantee a Goryt or Reporter, with a Jageer of not less than 3 acres of good cleared Land, or a monthly allowance of not less than 2 Rupees.

14th. The Government reserves the right which it every where possesses, over all running streams of water, whether for purposes of irrigation or navigation, and, whenever it sees fit, can assume the control of the waters, and distribute them in such manner, and on such conditions, as may seem most conducive to the public good. The right over these waters can only be obtained by individuals, under special Grant of the Government.

15th. The Lands included in this Grant are shewn in the subjoined Table :

Number in Map	Name of Grant.	Name of Grantee.	Total Area in Acres.	Deduct irremediably barren Acres.	Remains useful Area Acres.	Deduct ¼th as approved by Government	Area to be engaged for.

Boundaries,..... North, ——————————

East, ——————————

South, ——————————

West, ——————————

16th. Provided the said conditions be well and truly fulfilled, then from and after the lapse of the same term, the Lands are to be holden on the same conditions and subject to the same Rules and Regulations as all other Landed tenures, paying Revenue to the British Government in the North Western Provinces.

By order of the Hon'ble the Lieutenant Governor, North Western Provinces, dated at Agra this——————————day of——————in the year of our Lord, One Thousand Eight Hundred and

Examined and Registered as No.——————— in the Secretary's Office, Revenue Department, N. W. P.

Secy. to Govt., N. W. P.

Asst. to Secretary.

INSTRUCTIONS TO SURVEYORS IN MAKING ALLOTMENTS OF WASTE LANDS FOR GRANTS.

First. The whole tract belonging to Government and to be allotted, must be surveyed in one circuit, so as to secure a correct and well defined boundary.

Second. The whole tract must then be divided into allotments, each of which shall be about 4,000 acres in size. In effecting this, natural boundaries are to be followed as much as may be possible, and exertions must be made to assign to each allotment Lands of nearly similar productiveness. A moderate portion of unculturable Land in excess of the prescribed total of 4,000 acres may be given, in order to render an allotment compact, or to round off a boundary.

Third. Temporary boundary marks must be thrown up of earth, stone or wood, as may be most convenient, at the places where permanent marks will hereafter have to be erected, and all these marks should be shewn on the Map, in some appropriate manner.

Fourth. The Land in each allotment must then be classed as culturable or unculturable, according to the general estimate of similar Land in the vicinity which may be at the time cleared and occupied.

Fifth. The several allotments thus formed must be surveyed and numbered, and a list made, giving the number and boundaries of each, and its culturable and unculturable area.

Sixth. A Map of each allotment must be furnished bearing its distinguishing number. The Map must be on the scale of 4 inches to the mile, and will show the boundary marks, the culturable and unculturable area, the open and forest Land, the course of streams, roads, and pathways, &c.

Seventh. A Map must be furnished of the whole tract on a scale of one inch to the mile, showing the boundaries of each allotment, and its number with the general Geographical features of the country.

(True Copies,)

C. ALLEN,

Officiating Secretary to Government, N. W. P.

CIRCULAR ORDERS

OF THE

SUDDER DEWANNY ADAWLUT,

NORTH WESTERN PROVINCES,

FOR 1848.

No. 1647 OF 1847.

To the Civil Judges in the North Western Provinces.

The Court, having examined the "Returns of Pleaders practising" in the several Civil Courts of the North Western Provinces, which were called for by Circular letter No. 272, dated 12th March last, observe that there are many, who are seldom or never engaged in the conduct of Civil actions. This may arise either from their incapacity or their habitual inattention to the interests of Clients, or from the circumstance of more Pleaders being licensed to practise, than the income of Civil business renders requisite.

2nd. In any case it seems to the Court desirable that an attempt should be made to give practical effect to the intentions of the Legislature, as expressed in Act I. of 1846, and thus to improve the character of the Indian Bar for ability, respectability, and professional attainments, and the Court now call upon all the Civil Judges to examine the Returns of licensed Pleaders, which they have, severally, submitted, and to consider whether the number of those, practising in their own and the subordinate Courts may not be reduced without detriment to the prompt and efficient transaction of public business. The Civil Judges are likewise requested to enquire personally into the character and acquirements of the Pleaders in their own and the subordinate Courts, and to require those who may be found wanting to appear before a Committee of Examination, which will be specially convoked for the purpose on or about the 1st July 1848. Those who decline to submit to this ordeal, will forfeit their Sunnuds.

3rd. The attention of the Judges is hereby directed to the Circular Order of this Court, No. 138, dated 3rd August 1846, and they will be pleased to take notice that, as provided in the 2nd of the Rules appended thereto, a special Committee, consisting of the Judge, the Magistrate and the Principal Sudder Ameen, will assemble in each Zillah on or about the 1st July next ensuing, for the purpose of examining Candidates for certificates of qualification as Pleaders, according to instructions which will be issued hereafter.

4th. The Judges will be pleased to report, at least six weeks before the date above fixed, the number of Canditates whose applications have been countersigned by the Court, when the necessary papers and instructions for conducting the examination will be forwarded.

Agra, the 13th December, 1847.

No. 35 OF 1848.

To the Civil Authorities in the North Western Provinces.

The Court are pleased to direct, that the Bill of Sale granted to auction purchasers of property sold in execution of Decree under Regulation VII. of 1825, be drawn up in the following Form, and engrossed on stampt paper, of a value regulated by the amount of the purchase money, furnished for the purpose by the purchaser (See note to Article 19, Schedule A. Regulation X. of 1829).

" I hereby certify that at a public sale held on *(date—)* under the provisions of Regulation VII. of 1825, in satisfaction of a decree of (THE COURT,) A. B., Plaintiff or Appellant, *versus* C. D., Defendant or Respondent, dated the ———, E. F. has purchased the rights and interests of ——— in ———, and that his purchase has taken effect from and since the abovementioned day of sale, viz., *(here repeat the date)*."

Agra, the 11th January, 1848.

No. 68 OF 1848.

To the Zillah and City Judges in the North Western Provinces.

The Court publish the following amended translation of paragraph 4, Circular Order Sudder Dewanny Adawlut, No. 672, dated 16th April, and published in the *Agra Government Gazette* of 18th May 1841, one serious, and other minor errors having been discovered in the Vernacular version originally issued.

Agra, the 15th January, 1848.

دفعہ ۴ ——— اگر بعد داخل ہونے سوال اپیل اور پیش ہونے اُسکے واسطے سماعت کے بعد اجرائے اطلاعنامہ بنام رسپانڈنٹ خواہ بلااجرائے اطلاعنامہ بموجب قواعد مندرجہ ضمن ۳ دفعہ ۱۶ قانون ۵ سنہ ۱۸۳۱ ع کے یہہ بات واضح ہو کہ محکمہ مرافعہ اولی سے اپیل کنندہ پر اطلاعنامہ حسب ضابطہ جاري ہوا اور حاکم مجوز نے بموجب قواعد ضابطہ قوانین سرکار کے انفصال مقدمہ کا کیا یا وجوہات عدم پیروي مبینہ اپیلانٹ لغو اور بے بنیاد ہیں اُسنے قصداً محکمہ ماتحت میں درباب پیروي مقدمہ کے غفلت کي ہی تو ایسي صورت

میں بدانست حکام کے اپیل لائق دسمس ھی اور درصورتیکہ مقدمہ محکمہ ابتداء سے حسب قانون فیصل پایا ھو تو صرف یکطرفي تجویز ھونا مقدمے کا وجہہ کافي واسطے بازبلمبر سابق بھیجنے مقدمیکے بنابر تجویز از سرنو یا تحقیقات عذرات اپیلانٹ نسبت اصل مقدمے ۔ نہیں ھی *

No. 266 OF 1848.

To the Civil Authorities in the North Western Provinces.

The Court publish the following amended translation of paragraph 1, Circular Order, Sudder Dewanny Adawlut, No. 501, dated 13th March 1845, and published in the *Agra Government Gazette* of 1st April 1845, serious errors having been discovered in the Vernacular version originally published.

Agra, the 25th February, 1848.

تصحیح ترجمہ دفعہ ۱ سرکیولر ۱۳ مارچ سنہ ۱۸۴۵ ع لمبري ۵۰۱
مطبوعہ گورنمنٹ گزٹ پہلي اپریل سنہ ۱۸۴۵ ع *

چونکہ درباب میعاد معینہ قانون واسطے ارجاع اپیلخاص کے اور بھي درباب التزام داخل کرنے نقول فیصلجات محکمہجات ماتحت کے ساتھہ درخواست اپیلخاص کے اپیلانٹیوں پر غلطفہمي واقع ھوئي ھی لہذا حکام اشتہار اس بات کا مناسب سمجھتے ھیں کہ بموجب الفاظ صریح دفعہ ۲ قانون ۳ سنہ ۱۸۴۳ ع کے کوئي درخواست اپیلخاص کي جوازا منظور نہیں ھوسکتي ھی جب تک کہ درخواست مذکور مابین اُس میعاد کے جو واسطے ارجاع اپیلعام کے مقرر ھی داخل نہو اور بھي یہہ کہ نقول فیصلجات ماسبق کي اندر میعاد مذکور کے داخل ھونا چاھیئے *

اگر تعبیر الفاظ قانون کي ساتھہ شدت کے کیجاے تو بلحاظ اس عبارت کے کہ بمعیت ھرایک درخواست اپیلخاص کے نقول فیصلجات ماسبق داخل ھونا چاھیئے شاید یہہ نتیجہ پا یا جاے کہ درصورتیکہ نقول فیلصجات کي درخواست کے ساتھہ ھي نگذریں تو وہ درخواست حسب قانون درخواست جائز اپیلخاص کي متصور نہوگي لیکن بلاتنقیم اس امر کے حکام فرماتے ھیں کہ فیلصجات مذکورہ ھمیشہ اندر میعاد اپیل کے جو واسطے ارجاع اپیلعام کے مقرر ھی داخل ھوجانا چاھیئے عام اس سےکہ ساتھہ درخواست کے گذریں یا بعد گذرنے درخواست کے اور اغماض درباب تعمیل اس حکم کے ضرورۃ مستلزم نامنظوري درخواست کا ھوگا گو کہ صرف درخواست مذکور مابین میعاد معینہ قانوں کے گذري ھو *

No. 357 of 1848.

To the Civil Judges in the North Western Provinces.

The Civil Judges are hereby reminded that by Section 2, Regulation XII. of 1803, the Nazir of every Civil Court is required to enter into a penal obligation for the good behaviour of the Peons under his controul, and, as it is probable that this Rule may have been overlooked in the recent changes of the Law regarding the entertainment of Nazirs in the Moonsiffs' Courts, the Court desire that steps may be at once taken to ascertain whether such is the case, and if so, to enforce the aforesaid provision of the Law generally.

Agra, the 13th March, 1848.

No. 386 of 1848.

To the Civil Judges in the North Western Provinces.

The Court publish an Extract (paragraph 14) from the Report on the Administration of Civil Justice in the District of Futtehpore, during the year 1847, and request that, should the practice referred to therein exist in the Moonsiffs' Courts in your District, you will order it to be discontinued.

Agra, the 21st March, 1848.

Extract paragraph 14, *from the Report on the Administration of Civil Justice in the District of Futtehpore, during the year* 1847.

Para. 14. I found from one or two appeals which had come before me, that the Moonsiffs were in the habit of giving copies of witnesses' depositions, and other papers bearing their signature and seal, to parties requiring them on plain paper, and these copies were received by the Moonsiffs in other cases pending before them, and on calling on them for an explanation of the authority under which the practice prevailed, they quoted the Court's Circular letter, No. 58 of the 16th January 1840, as entitling parties to obtain copies of papers, such as I have referred to, on plain paper, and to receive them as evidence. The Moonsiffs appeared to me to have misunderstood the meaning of the Circular letter, which only mentioned that copies of final orders in miscellaneous cases, as well as all interlocutory orders, were to be granted on plain paper. They are the only exemptions named in that letter; nor can I discover in Regulation X. of 1829, that copies of depositions parties wish to file in support of their claims, are exempted from being written on stamped paper. The Moonsiffs, therefore, in allowing these papers, which were not written on the prescribed stamp, to be presented and received as evidence, acted, it seemed to me, contrary to the Regulation last cited, and I therefore directed them to put a stop to the practice, and I now bring the subject before the Court that my order may be recalled, should I be found to have taken an erroneous view of the Law.

No. 395 OF 1848.

To the Civil Authorities in the North Western Provinces.

The Courts of Sudder Dewanny Adawlut, for the Lower and North Western Provinces, having considered the present state of the Law regarding the dismissal by Zillah Judges, of Vakeels of their own and subordinate Courts, are of opinion, that since the enactment of Act I. of 1846, the rule contained in Clause 2, Section 10, Regulation XXVII. of 1814, must again be acted upon, which requires that the dismissal of a Vakeel, attached to a Zillah Court, or to that of a Principal Sudder or Sudder Ameen, must be reported for the information of the Sudder Dewanny Adawlut; pending the receipt of whose orders he can only be suspended from practice. The same rule is also made applicable to the Vakeels of the Courts of Moonsiffs by Section 11 of the Act cited. Under this exposition of the Law, so much of Circular Order No. 43, dated 13th April 1832, as regards the removal of Vakeels, and Construction No. 846, must be considered as no longer in force.

2nd. The two Courts have also ruled, that the precedent* at Page 38 of Part 2, Volume 1. of the Summary Reports, is at variance with the provisions of Section 12, Act XXV. of 1837, and Circular Orders Nos. 23 and 178, dated 5th September 1838, and 25th February 1842, respectively. The precedent, therefore, must be held as superseded; and it is hereby declared, that appeals lie to the Sudder Dewanny Adawlut from the Orders of a Zillah Judge dismissing a ministerial Officer, whether of his own, or any of the subordinate Courts.

* Nil Madhub Sirkar, Petitioner.

Agra, the 21st March, 1848.

No. 572 OF 1848.

To the Civil Authorities in the North Western Provinces.

An error in the Vernacular version of Circular Order Sudder Dewanny Adawlut, dated 20th November 1840, and published in the *Agra Government Gazette* of the 16th December 1840, having been brought to notice, the Court are pleased to issue an amended translation of the same for general information.

Agra, the 15th April, 1848.

(۲۲۰۷)

ممالک مغربي کے اضلاع و امصار کے صاحبان جج کے نام

بغرض تقرر قاعدہ نسبت اس بات کے کہ کس حاکم کے یہاں سے تجویز دعاوي متخالف ڈگریداران واسطے پالے حصہ زر ثمن نیلام بعلت اجراے ڈگري هاے مصدرہ عدالت هاے ماتحت کے هوگي حکام عالي مقام اس قاعدہ کو جو از روے نظایر عدالت کے معمول بہ قرار پایا واسطے آگاهي اور هدایت حاکمان متعهد اور غیرمتعهد کے مشتهر فرماتے هیں ٭

۴ جمیع دعاوي حصہ پانے زر ثمن نیلام جائداد کے کہ بعلت اجراے ڈگري عدالت کے عمل میں آیا ہو اولا عدالت اصل آمر نیلام میں پیش اور تجویز ہونا چاہیئے خواہ وہ ڈگریاں عدالت مذکورہ سے اصدار پائي ہوں یا کسي اور عدالت سے اور آسي حاکم عدالت کے یہاں سے حکم بحق کسي ڈگریدار منجملہ ڈگریداروں کے جسے وے مستحق ترجیح کا سمجھیں صادر ہوگا اور شخص نارضامند کو دادرسي بیچ اپیل صاحب جج یا صدر دیواني عدالت کے حسب حال مقدمہ کے حاصل ہوگي اور تا وقتیکہ اپیل حسب ضابطہ پیش نہو حاکم اکبر کو اختیار دست اندازي کا بغرض تصفیہ کسي امر اس قسم کے حاصل نہیں ہی *

No. 596 of 1848.

To the Civil Judges in the North Western Provinces.

The Court publish an Extract (paragraph 10) from the Report on the Administration of Civil Justice in the District of Meerut, during the year 1847, and request, that the Civil Judges will require the Ameens employed in the sale of property to render monthly accounts of the sums realized by them, and to furnish security, (Mal Zamenee) to the amount of their average receipts for 3 months.

Agra, the 27th April, 1848.

Extract paragraph 10 *from the Report on the Administration of Civil Justice in the District of Meerut, during the year* 1847.

Para. 10. As respects the Ameens employed in the sale of property, in execution of decrees, it appears to me advisable, that they should be directed to furnish monthly accounts of the sums realized by them; and that they should also, give security to the amount of their average receipts for 3 months. At present, the only security they give, is that for the personal appearance, and as no sum is specified in the bond, as demandable from the security, in the event of any malversation on the part of the Ameen, the document is worth nothing. The form in question was introduced by my predecessor Mr. Glyn. If amended, agreeably to my suggestion, it would be expedient to include these Officers in the Statement No. 9. Should this measure be adopted, the object of the Circular Order Sudder Dewanny Adawlut of the 13th January 1837, will be fully attained.

No. 708 of 1848.

To the Civil Authorities in the North Western Provinces.

In the Court's Circular Order dated 4th January 1841, No. 127 (Volume III, Page 511) the purport of former Circular Orders regarding certain essential points of proce-

dure under Regulation XXVI. of 1814 was embodied, and the strict observance of the rules prescribed by Section 10 was particularly enjoined; with a view further to ensure this, the Judges were directed "in the trial of Appeals from the decision of the subordinate Courts, to point out to the latter any instances, in which they might have neglected to observe the above rules," and "if after such caution, any Officer should still neglect" to abide by them, to make "a full report of the circumstance to the Court."

2nd. The Court regret to find that this Circular Order, and the provisions of the Law, to which it enjoins attention, are either entirely overlooked by many Officers, or so misapplied as to defeat the objects, which the rules of Section 10 were designed to fulfil, namely, to reduce the matter of the pleadings to certain determinate issues, which the parties should be required to establish by such exhibits or evidence, as they might be able to produce. In some cases, which have come before the Court, "the object of the action, the grounds on which it is maintained, and the point or points to be established by the parties respectively," have not been declared with any approach to the required "precision," while in others the Judicial Officers have gone beyond the terms of the Law and exceeded their authority in calling upon the parties to fill *particular* documents, or otherwise indicating the sort of evidence which should be adduced in support of their respective allegations.

3rd. Although the requirements of the Law are in themselves sufficiently plain and positive, and although they were still further explained in the Circular Order above cited, the instances of departure from it, which have passed under notice of the Court judicially, have been very numerous, and yet in no one instance has the "neglect" of the "caution" conveyed been reported to the Court by the Zillah Judges, who were specially charged to see that the provisions of Section 10, Regulation XXVI. of 1814 were properly observed.

4th. The Court now desire to call the attention of the Judges, the Principal Sudder Ameens and Sudder Ameens to the Law in question, and to the Circular Order No. 127, dated 4th January 1841, and to intimate that they will hereafter hold any Officer, who may be generally inattentive to these important rules, to have been guilty of gross neglect of duty.

5th. It is thought advisable at the same time to impress upon the Judicial authorities the importance of following the course of procedure laid down in the 12th Section of the same Regulation, as calculated to expedite the decision of *original* suits (*vide* Construction No. 1191) and to check the needless and injurious delays too often observable in the filing of evidence oral and documentary; after the point or points to be established have been reduced to writing in the separate proceeding required by Section 10, on the same day notice might very properly be given in the form prescribed by Section 12 of the date, on which it may be intended to bring the suit to a hearing, and if, on that day "or any subsequent day" either of the parties "shall not be prepared to file their exhibits or the names of their witnesses," and "shall not assign sufficient and satisfactory reason for the delay," the penalty which the Law allows should be imposed on the offending party.

6th. The Judicial authorities will take particular notice, that they have *no authority whatever to specify the particular documentary or oral evidence which should be adduced*, that it is the privilege of the litigant parties to produce

such proof as may best suit their interests, and that it is the duty of the Courts to receive it, unless there be sufficient reason for rejection,* and to judge accordingly.

* Vide Sec. 7, Reg. III. 1803.

Agra, the 16th May, 1848.

No. 810 of 1848.

To the Civil Judges in the North Western Provinces.

It is believed that Construction No. 630, dated 11th March 1831, has been generally considered to prohibit a Judge from calling on the Mortgagee to produce his Deed of Mortgage in the course of the miscellaneous proceedings, required by Section 8, Regulation XVII. of 1806, to be held on an application for foreclosure. The Court, having been in communication with the Calcutta Court of Sudder Dewanny Adawlut on the subject, deem it proper to notify, that the majority of the two Courts have held that, under the terms of the enactment cited a Judge is not precluded from satisfying himself, by requiring the production of the Document, that the applicant for foreclosure is the "receiver or holder of a deed of a Mortgage;" and this view of the Law is not at variance with the opinion expressed in Construction No. 630, which explains only "that it is not *required* by the Regulations that a copy of the deed of mortgage should be served on the mortgager," but does not say, that the Judge is not at liberty to call for it, in order to satisfy himself that the applicant is what he represents himself to be.

Agra, the 5th June, 1848.

No. 843 of 1848.

To the Civil Judges in the North Western Provinces.

The Court, having observed that Registers of Deeds have, in some instances, merely put their initials to the Certificate of Registration, request that you will inform the Registers that their full signature is indispensable to a Registry, and that any neglect or carelessness, in a matter of so great importance, will be noticed with severe reprehension.

Agra, the 12th May, 1848.

No. 949 of 1848.

To the Civil Judges in the North Western Provinces.

The Courts of Sudder Dewanny Adawlut for the Lower and North Western Provinces, are pleased to intimate that, as Section 23, Regulation XXVII. of 1814, which

required Pleaders' Fees to be deposited in Court, has been rescinded by Act I. of 1846, Construction No. 500, is superseded.

Agra, the 30th June, 1848.

No. 934 OF 1848.

To the Civil and Sessions Judges, and the Magistrates, and Joint Magistrates in the North Western Provinces, and the Commissioner of Kumaon.

The following Orders of Government are published by authority of the Hon'ble the Lieutenant Governor, for the information of Officers of the Government as to the course to be pursued in the institution of actions against them for Acts done by them in their public capacity.

Agra, the 30th June, 1848.

Letter from the Secretary to the Government of Bengal, to the Superintendent of Police, Lower Provinces, under date the 12th April, 1848.

I am directed by the Right Honorable the Governor to acknowledge the receipt of your letter No. 583 of the 17th ultimo, in which you draw His Lordship's attention to the position in which Magistrates and other Officers of Government are placed, when actions are brought against them in Courts of Law, for acts done in the discharge of their official duties, in consequence of the system at present pursued of leaving them to defend themselves at their own expense in every case; and only reimbursing them after the conclusion of the trial, if from the facts then developed it should appear that they had conducted themselves legally and properly in the matters which occasioned the action.

2nd. After carefully considering the subject, His Lordship has come to the conclusion, that it will be right that the Officers of Government so situated should be relieved from the necessity, which must often press heavily upon their means, of advancing the funds required for defending themselves against actions which may often be prompted by malice or litigiousness.

3rd. With this view, His Lordship has determined, as the course to be pursued in such cases in future, that on the institution of any action against an Officer of the Government for acts done in the discharge of his public duty, he should communicate the fact through the usual official channel, reporting all circumstances which may be necessary to enable the Government to arrive at a decision on the real merits of the case. If, on full examination into the case, and on a fair and reasonable interpretation of his proceedings, the Officer shall appear to have acted rightly, he will be directed to take the necessary steps to defend himself, the Government advancing the funds necessary for that purpose, to be refunded after the issue of the action is known, in case the circumstances then brought to light should prove the Officer to have acted

improperly. If, on the other hand, upon examination of his case by the Government his conduct shall appear to have been clearly wrong, he will be informed that the Government will not interfere, and that he must defend himself at his own charge.

4th. Under such a rule as this, His Lordship conceives that public Officers will not be led to feel that they can fall back on the Government for defence in every case, whether their conduct may have been right or wrong. They will be sensible that they can look for assistance only when they may appear to have entirely deserved it, and therefore, their sense of responsibility will remain as keen as heretofore.

5th. Regarding the case which gave rise to your communication, His Lordship has been informed that the action against that Officer has been nonsuited.

No. 962 of 1848.

To the Civil Judges in the North Western Provinces.

The Court are pleased to prescribe the following Forms for use under Act XXIII. of 1840, in addition to those communicated with the Circular Order No. 1865 of the 26th December 1846.

1. Notice of Application for leave to institute a suit in *formâ pauperis.*

2. Notice of Application for the discharge of an Insolvent Debtor.

Agra, the 9th June, 1848.

No. ——

NOTICE OF APPLICATION FOR LEAVE TO INSTITUTE A SUIT IN FORMA PAUPERIS.

In the Court of Dewanny Adawlut, for the Zillah of 24-Pergunnahs.

To

—————— *of* ——————

in the Town of Calcutta.

Whereas —————— has applied to be allowed to institute a suit against you in *formâ pauperis* for the recovery of Rupees —————— and the application has been transferred to the Principal Sudder of this District for enquiry into the pauperism of the applicant, take notice, therefore, that on your appearing before the said

Principal Sudder Ameen on the ——— day of ——— 1848, in person or by Vakeel, you shall be permitted, under Clause 6, Section 5, Regulation XXVIII. of 1814, to shew cause why the applicant should not be allowed to sue as a pauper; and you are hereby required to acknowledge the receipt of this notice.

Given under my hand and the seal of this Court, this —— day of ——— 1848.

A. B.,

Judge.

L. S.

No. ——

NOTICE OF APPLICATION FOR THE DISCHARGE OF AN INSOLVENT DEBTOR.

In the Court of Dewanny Adawlut, for the Zillah of 24-*Pergunnahs.*

——— (Plaintiff or Appellant,)

versus

——— (Defendant or Respondent.)

To

——— *of* ———

in the Town of Calcutta.

Whereas ——— now in imprisonment in the Jail of this District at your instance, in execution of the decree passed against him under date the ——— has applied for his discharge under the provisions of Section 11, Regulation II. of 1806, take notice, therefore, that on your appearing in this Court* in person or by Vakeel within ——— days from this day's date, you shall be permitted to offer your objections to the discharge of the above mentioned debtor, and you are hereby required to acknowledge the receipt of this notice.

* Or before the Principal Sudder Ameen (as the case may be.)

Given under my hand and the seal of the Court, this ——— day of ——— 1848.

A. B.,

Judge.

L. S.

No. 950 of 1848.

To the Civil Authorities in the North Western Provinces.

The Court having been advised of a flagrant error in the translation of their Circular Order, dated 4th January, and published in the *Agra Government Gazette* of 3rd February 1841, herewith publish an amended Vernacular version, which the Native Judges are required to substitute for the former one.

Agra, the 3rd July, 1848.

حکام عالیمقام کي دانست میں منتخب کرنا مضمون چٹھیات سرکیولر سابق متذکرہ حاشیہ متضمن چند امور لابدي ضوابط مقتضیہ قانون ۲۶ سنہ ۱۸۱۴ ع کا برسبیل ایجاز واسطے ہدایت حاکمان سول اور خصوصاً واسطے حاکمان ماتحت کے جنھیں اب ایک اختیار عظیم دیا گیا ہی اور جن کا پابند ہونا اوپر قواعد مندرجہ قانون مذکور کے بغرض انجام لوازم متعلقہ تجویز آنکي کے اہم ہی مناسب متصور ہوا •

سرکیولر آرڈرس ۷ اگست سنہ ۱۸۱۷ ع
ایضاً ۲۵ اکتوبر سنہ ۱۸۲۲ ع
ایضاً ۹ اگست سنہ ۱۸۳۶ ع

۲ واضح ہو کہ قانون متذکرہ کے وے احکام جنپر لحاظ اور توجہہ خاص رکھنا ضرور ہی اور جنکي غرض اصلي عدالت دیواني کے طریقوں کا سہل اور آسان کرنا ہی ہے ہیں •

اول وے احکام جو ضمن ۲ دفعہ ۵ قانون مذکور میں مندرج ہیں اور آنکا یہہ حکم ہی کہ جمیع پلیڈنگس اور درخواستیں جنکا لکھا جانا کاغذ اسٹامپ پر ضرور ہی بخط جلي اور واضح اور برہ ایت طرز تحریر اور تعداد سطر اور بین السطور کے لکھي جاویں •

دوم ممنوعات مندرجہ ضمن ۳ دفعہ ۶ نسبت منظوري تتمہ سوالات بدون اجازت خاص عدالت بعد ملاحظہ پلیڈنگس مدخلہ کے •

سیوم قواعد معینہ دفعہ ۱۰ جو واسطے انسداد تحریر امور فضولي اور تاخیر بیجا بیچ تجویز و انفصال مقدمہ دیواني کے اہم ہیں بغرض استدراک اصل منشاء نالش اور وجوہ کے جنپر وہ مبني ہی اور امر یا امور لایق اثبات منجانب ہر فریق عندالسماعت مقدمہ بعد تکمیل پلیڈنگس اور قبل ادخال وجہہ ثبوت اور طلبي گواہوں کے •

۳ صاحبان جج کو حکم ہی کہ جب کبھي عندالتجویز اپیل بناراضي فیصلجات محکمہ ماتحت کے آنہیں معلوم ہو کہ حاکم ماتحت کیطرف سے تعمیل قواعد مذکورۃالصدر میں غفلت واقع ہوئي تب آنہیں قواعد مذکورہ کیطرف ہدایت کریں خصوصًا نسبت قواعد مندرجہ دفعہ ۱۰ کي جسکي تعمیل سواے ازدیاد سہولیت تجویز مقدمہ کي باعث کفایت متخاصمین

کا اخراجات فضول سے اور موجب محفوظي عوام کا اس تکليف سے جو بسبب چھوڑ دينے گھر اور کاروبار اپنے کے واسطے حاضر هونے کے بجهت اداے شهادت کے عدالت ميں اُنکو عائد حال هوتي هي هوگا اور درصورتيکه کوئي عهدهدار قواعد مذکورہ کي تعميل ميں باوجود ايسي تاکيد کے بهي غفلت کرے تو رپورٹ قرار واقعي اِس حال کي عدالت ديواني صدر ميں کي جاے *

۴ اول روبکاري مقدمه ميں استدراک امور مابهالنزاع کا اور بالتصريح فهمايش کرنا اُن امور کا جو فريقين کو عليحدہ عليحدہ ثابت کرنا لازم هي ضرور هي اور حاکم مجوز کو چاهيئے که وقت تحقيقات کے مناسبت يا عدم مناسبت شهادت مدخله کي ساتهه امر متنازع فيه کے قبل اسکے که بعض اُسميں سے بنظر فضول هونے اُسکے کے نامنظور کرے غور کامل اسبات کا کريں که آيا يهه شهادت کو که محکمه ابتداء سے غيرضروري متصور هوتي هي محکمه اپيل ميں ضرورت اُسکي هوگي يا نهيں *

۵ چونکه شامل نکرنا روبکاري تشخيص منازعت مقتضيه دفعه ۱۰ قانون ۲۶ سنه ۱۸۱۴ ع کا ساتهه کاغذات مقدمات اپيل کے جو بموجب قاعده مندرجه دفعه ۸ قانون ۹ سنه ۱۸۳۱ ع کے عدالت ديواني صدر ميں بهيجے جاتے هيں موجب نهايت تکليف کا هي خصوصاً جبکه اپيلانٹ عذر اسبات کا کرے که حاکم عدالت ماتحت نے دستاويزات گذرانيده کو پذيرا اور گواهان نامزد کرده فريق مذکور کو طلب نهيں کيا لهذا حکم هوتا هي که جميع مقدمات اپيل مذکور ميں روبکاري مذکور شامل هو اور درصورتيکه وقت درپيشي مقدمه بحضور حکام کے معلوم هوگا که کوئي ايسي روبکاري تحرير ميں نهيں آئي تو بسبب عدم اطاعت حکم کے حکام ماتحت مورد عتاب هونگے *

۶ صاحبان جج کو لحاظ رکهنا چاهيئے که قواعد مندرجه دفعه ۱۰ قانون متذکرہ بالا نه صرف مقدمات لمبري سے بلکه تجويز مقدمه اپيل سے بهي متعلق هي پس اُنکو لازم هي که بيچ جميع مقدمات کے روبکاريهاے مذکور ميں امر مابهالنزاع اور وجوہ جنپر متخاصمين اپنے عذرات کو مبني کرتے هيں لکها کريں *

۷ صدرالصدورونکو مطلع کرنا چاهيئے که وے قواعد معينه کي اطاعت جو بموجب دفعه ۲۱ قانون ۵ سنه ۱۸۳۱ ع کے اُنکي هدايت کے ليئے مقرر کي گئي هيں بخوبي کريں اور فهمايش کيجاے که اگر کوئي غفلت اس امر ميں اُنکيطرف سے ملحوظ هوگي تو اُنپر عقاب حکام عاليمقام عدالت کا ظهور ميں آويگا *

۸ واضح هو که منشاء قوانین کا اور اقتضاے مزیدداد گستري کا یہہ هی که مقدمات دیواني میں اظہار گواهوں کے حتي الامکان روبروے حاکم منصرم اور مجوز اُس مقدمہ کے لیئے جاویں اور تعمیل اس طریقہ کي جہاں تک هوسکے ظہور میں آوے لیکن درصورت وقوع احتیاج تقرر عملہ هندوستاني کے اِس کام پر احکام ضمن ۱ دفعہ ۱۱ قانون ۲۶ سنہ ۱۸۱۴ ع کے بخوبي مرعي رهیں اور اُس عامل کو جو اسطرح مقرر هو بذریعہ روبکاري مقتضیہ دفعہ ۱۰ قانون مذکور کے امر یا امور سے جسکي نسبت اظہار لینا چاهیئے اطلاع دیجاوے اور یہہ بهي فہمایش کرني چاهیئے که متخاصمین یا اُنکے وکلا کو گواهوں سے دوسرے امور کي نسبت سوال کرنے نہ دے اور وجوہ ضرورت تقرر عامل مذکور کے اور سبب نہ لیئے جانے اظہار کا روبروے حاکم مجوز کے هر مقدمہ میں درج روداد هونا لازم هی *

۹ واضح هو که اس قاعدہ کو قاعدہ عام جانیں که جب کبهي کسي عملہ هندوستاني کے آگے اظہار لیئے جاویں تو وہ اسپر بغرض ثبوت لیئے جانے اظہارات مذکورہ روبرو اُنکے دستخط اپنا اُسپر ثبت کردے تاکہ معلوم هو که درصورت وقوع بےسررشتگي کے جوابدهي اُسکي کسکے ذمہ عائد هوگي *

No. 1146 of 1848.

To the Civil Judges in the North Western Provinces.

The Court are pleased to prescribe the following Form for use, under Act XXIII. of 1840, in addition to those communicated with the Circular Order No. 962, of the 9th June last.

No. ——

Notice to Holder of a decree of the Sudder Dewanny Adawlut in the Court of Dewanny Adawlut for the Zillah of Hooghly.

Casseenauth Ghose of Calcutta,—Appellant Decreeholder,

versus

Doorga Churn Dutt of Hooghly,—Respondent.

To Casseenauth Ghose of Calcutta.

Whereas the decree passed by the Sudder Dewanny Adawlut on the ——— in your favor against Doorga Churn Dutt, has been received in this Court for execution, you are therefore hereby required to acknowledge the receipt of this notice and to appear in this Court (or, the Court of the Principal Sudder Ameen of this Zillah) and

proceed in the case, in person or by Vakeel, within ———— days from the date of service of this notice.

Given under my hand and the seal of the Court, this ——— day of ——— 184 .

L. S.

A. B.,
Judge.

Agra, the 14th July, 1848.

No. 1194 OF 1848.

To the Civil Authorities in the North Western Provinces.

The Court, in concurrence with the Sudder Board of Revenue for the North Western Provinces, are pleased to direct that official correspondence between Moonsiffs and Tehseeldars shall be in future conducted by "Roobukarees."

Agra, the 12th August, 1848.

No. 1310 OF 1848.

To the several Civil and Sessions Judges and Magistrates in the North Western Provinces, Sessions Judge and Deputy Commissioners of Saugor, and Nerbudda Territories, and the Commissioner of Kumaon, and the Principal Assistants of Kumaon and Ghurwal.

A new arrangement having been made with the *Secundra Press,* for the supply of Lithographic Forms, I am desired to forward for reference in your own Office a complete set of the Forms sanctioned by the Court.

2nd. You will observe from the Note at the foot of each Form, that the Forms have been consecutively numbered. In submitting Indents it will merely be necessary to state the number of each Form required. The Form of Indent may be altered as in the margin.*

District.	No. of Form.	Number last applied for and date of application	Expended during the last six months.	Number in store.	Number now indented for.

3rd. The nature of the arrangements now matured

will admit of any Officer being supplied with any number, however small, of the sanctioned Forms.

4th. No Forms but those sanctioned will be allowed without good and sufficient reason. But any Officer is at liberty to propose the adoption of a new Form for the consideration of the Court.

5th. All Indents are to be prepared on the 1st January and 1st July, and are to be forwarded without loss of time, and no intermediate application for Lithographed Forms will be attended to, unless under peculiar circumstances of emergency, which must be explained on each occasion.

6th. Each Indent must be attested by the Officer indenting for the Forms, and care should be taken that it does not exceed the average expenditure for six months.

7th. The Forms should be filed in a book for reference, and in order to facilitate it, a printed list of the authorized Forms will be shortly transmitted to you.

8th. The Circular Orders dated 7th September 1846, and 7th June 1847, are hereby rescinded.

Agra, the 8th September, 1848.

No. 1305 OF 1848.

To the Civil and Criminal Authorities in the North Western Provinces.

The Court of Sudder Dewanny and Nizamut Adawlut, North Western Provinces, call attention to the following *Erratum* occurring in the Persian version of Act XI. of 1841.

For بیاشد read باشد

Agra, the 7th September, 1848.

No. 1395 OF 1848.

To the Civil Judges in the North Western Provinces.

The Court publish for the information of the Civil Judges in the North Western Provinces, the following Extract (para. 7) from a Despatch from the Honorable the Court of Directors, prohibiting the employment of English Section Writers by the Civil Courts.

Agra, the 4th September, 1848.

Extract (para. 7) from a Despatch from the Honorable the Court of Directors, dated the 10th May 1848, *No.* 16.

7th. We observe that disbursements similar to the one here reported are to be disallowed hereafter as opposed to the rule, which prohibits the employment of English Section Writers, by the Civil Courts.

11 and 12.—Charge amounting to Rs. 5-8 incurred by the Principal Sudder Ameen for transcribing an English judgment required by the Sudder Court at Bareilly.

CIRCULAR ORDERS

OF THE

NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES,

FOR 1848.

No. 527 OF 1848.

To the Sessions Judges and Magistrates in the North Western Provinces, and the Saugor and Nerbudda Territories.

Although the offence of Arson, as defined in the Regulations,* is restricted to the setting on fire a house or other building, village or town, it has been, the Court believe, a general practice with the Magistrates in the North Western Provinces to commit for trial to the Sessions Courts all persons charged with incendiarism, whatever may have been the property destroyed by such incendiarism, or the circumstances by which the act may have been distinguished.

* Regulation VI. of 1803, Section 7. Regulation III. of 1804, Section 7. Regulation IX. of 1807, Section 3, Clause 1.

2nd. After a full consideration of the subject, and a reference to the terms of the law, it has been ruled by the Courts of Nizamut Adawlut for the Lower and North Western Provinces, that the wilfully and maliciously setting fire to any "village," "town," "house" or "other building" constitutes the crime of "arson," which is punishable only by the Sessions Court, and that this definition includes the malicious and wilful burning of a boat, laden with men or merchandize, of a tent or other place used for the time being as a dwelling.

3rd. Acts of incendiarism, other than the above, do not, the Courts consider, fall within the definition of arson, found in the Regulations, and the criminality of such acts will vary very much according to the presumed motives of the incendiary, the effect of his act, either actual or probable, and, generally, the circumstances which distinguish it, but there is nothing in the Regulations, which precludes a Magistrate from disposing finally of such cases, provided he considered the punishment, which he is competent to award under Section 19, Regulation IX. of 1807, adequate to the offence proved. The Magistrates will be pleased to act in future according to this view of the Law, bearing in mind that, if by any act of "incendiarism" not coming within the above definition of "arson," lives should be endangered, or valuable property destroyed, or if the act should be accompanied by other aggravation, they are at liberty to exercise their discretion, in committing the accused to the Sessions Court. In such cases, however, the Magistrates are required to state specially, in the Calendar or the Roobukaree of commitment, their reasons for making over the prisoners to the Sessions Court in preference to passing sentence themselves, and any commitment of this kind, for which such special reason may not be assigned, will be liable to cancelment.

4th. Those cases, in which the sentence sanctioned by Clause 7, Section 2, Regulation LIII. of 1803, may be considered insufficient, will be referred by the Sessions Judges for the final orders of the Nizamut Adawlut, under Section 6, Act XXXI. of 1841.

Agra, the 5th June, 1848.

No. 589 OF 1848.

CIRCULAR.

To the Sessions Judges and Magistrates in the North Western Provinces.

The Court publish for general information an amended translation of Construction No. 1365, which was originally printed in the *Agra Government Gazette* of the 30th May 1843, as Police Officers have been misled by the only version, which is accessible to them.

Agra, the 17th June, 1848.

بنارس کے صاحب مشن جج کے استصواب پر یہہ منقح ہوا کہ چونکہ زنا بالجبر داخل اُن جرایم کے نہیں ہی جو قانونا داروغگان پولیس کی سماعت سے خارج ہیں لہذا عمال مذکور واسطے

درباب اختیار داروغگان پولیس مقدمات زنا بالجبر میں

سنے مقدمات زنا بالجبر بغرض تحقیقات اُسکی کے باختیار خود مجاز منصور ہیں ۔

NOTIFICATION

OF THE

SUDDER DEWANNY ADAWLUT,

NORTH WESTERN PROVINCES.

FOR 1848.

No. 690 OF 1848.

NOTIFICATION.

1. In pursuance of the Orders of Government, the Court notify for general information that all persons, presenting themselves at future examinations for the office of Moonsiff, will be expected to possess a competent knowledge of the following subjects, and that a due proportion of the written questions will, accordingly, relate to them.

First.—Of the nature of the landed tenures in the Country, and the mode in which the particulars of those tenures are recorded in the settlement proceedings, and in the Putwaree's papers, as prescribed by Government.

Second.—Of the general system of administration in the Land Revenue Department, as set forth in the Regulations and Acts of the Supreme Government, in the Resolutions and Orders of the Local Government, and in the Circular Orders of the Sudder Board of Revenue.

2. The Government have been pleased to appoint the Secretary to the Sudder Board of Revenue, North Western Provinces, to be an ex-Officio Member of the Committee at Agra.

3. This change in the system of Examinations will take effect from and after the 1st January next ensuing, and all concerned are hereby required to take warning accordingly.

Agra, the 11th May, 1848.

CIRCULAR ORDERS

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES.

FOR 1848.

No. 1 OF 1848.

Revenue Record Offices to be rendered accessible to the public.

Regulation XXIII. 1803, and corresponding enactments have constituted the Collector's Record Office, a department for keeping all records and papers in the native languages which relate to the public revenue.

2nd. It is the desire of Government that the records of these offices be made accessible to the public, and for this purpose, it is directed that Collectors or other Officers in charge of such Record Offices, introduce the system laid down in the following instruction.

3rd. The Record Office should be accessible by only one door, connecting it with an ante-room where the Mohafiz Duftur and his Assistants should be seated in office hours.

4th. Any party desirous of inspecting the records must petition the Collector in the usual mode, stating the object of his enquiry, and giving such particulars, as he may be able, of the papers which he requires. The Collector will, as a matter of course, grant permission, and refer the petitioner to the Mohafiz Duftur in the ante-room. That officer will immediately produce the bundle containing the required papers, and intrust them to one of his Assistants, before whom the petitioner will be allowed to make a leisurely examination.

5th. A fee of eight annas per hour will be demanded for the services of each Assistant to the Mohafiz Duftur employed by the applicant in the ante-room in such examination.

6th. No stranger will be permitted to enter the ante-room with pen and ink in his possession; but he will be allowed to carry a pencil and paper, to the use of which he will be carefully restricted. Should any party desire to have notes or unauthenticated copies in ink, he will be at liberty to obtain the services of one of the Record-keeper's Assistants as a copyist, on the payment of the usual fee.

7th. The Collector should aim as far as possible never to suffer any of the records whether called for in the ante-room by the Revenue Authorities or by the Civil Courts to be out of sight of the Mohafiz Duftur or of one of his Assistants.

8th. Whenever from the vicinity of Cutcheries it will facilitate the despatch of business, the Collector should authorize the Civil Courts, or other public authority empowered to call for papers to address the Mohafiz Duftur direct for any records they may require; in which case the Mohafiz Duftur should without delay forward the required papers under charge of one of his Assistants, who, if the Court inspect the Misl on his arrival, will when the inspection is over, bring it back at once to the office; but if the Court require to retain the Misl for any period longer than that necessary for immediate inspection, the Assistant Mohafiz Duftur will leave the Misl with the Court, taking a proper receipt and a copy of the index or *fihrist* of the Misl.

9th. The fees sanctioned in Regulation XXIII. of 1803, should be universally levied on the registration of all partitions of Estates under Regulation XIX. of 1814, and also of all transfers of property by sudder malgoozars, but not on succession by inheritance. The registration will take place, and the fees consequently be levied, on information of the transfers however obtained, whether from the parties themselves or from the Canoongoes under Clause 4, Section 7, Regulation IV. of 1808, or from the Record of the Office. When the transfers have been effected under the orders of the Civil Court mutations of names *dakhil kharij* in the Register of sudder malgoozars, will be effected at the same time that the fees are levied. Fees cannot be demanded on transfers by others than sudder malgoozars, which involve no alteration in the Registers maintained under Regulation XLII. of 1803.

10th. The fees mentioned in the preceding Section, as well as those prescribed in Section 6, will form a fund from which will be entertained such number of additional Assistants to the Mohafiz Duftur as may be necessary to give effect to the above arrangements. The Mohafiz Duftur should be allowed to nominate his own Assistants for the Collector's approval, and should be held responsible for their good behaviour.

11th. If this fund prove still insufficient, the Board will be prepared to sanction an expenditure equivalent to the amount of stamp duty on the petitions alluded to in paragraph 4 of this Circular.

Agra, the 25th February, 1848.

No. 2 OF 1848.

To the Commissioners of Revenue, North Western Provinces.

FARMS.—By the Officers of a Collector's establishment illegal.

I am directed by the Sudder Board of Revenue to call your attention to the decree passed by the Sudder Dewanny Adawlut in the Bengal Presidency, on the 13th March, 1826, in the case of Bindrabun Bhose, appellant, *versus* Baboo Jowahir Sing, respondent, whereby Section 15, Regulation II. of 1793, (corresponding with Section 14, Regulation XXV., 1803,) is construed to prohibit the umlah of a Collector from taking farms or *mokurerees* from any zumeendar in the district, and to request that you will instruct the several Collectors of your division to warn their umlah that they cannot take farms of any kind within the district in which they serve, without violating the law as construed by the Sudder Court.

Vol. IV. page, 130 of the Sudder Dewanny Adawlut's Reports.

Agra, the 25th February, 1848.

No. 8 OF 1848.

Act I. of 1845.

Several important errors having been discovered in the translation of Act I. of 1845, contained in the *Urdu Agra Gazette* of the 25th of February, 1845, the Sudder Board of Revenue, North Western Provinces, desire that the following translation be substituted for it.

Directs that the following translation be substituted for that contained in the *Urdu Agra Gazette* of the 25th of February, 1845.

Agra, the 25th April, 1848.

قانـــون اول

سنه ۱۸۴۵ عیسوي

نواب گورنر جنرل بہادر کے حضور سے باجلاس کونسل تاریخ ۱۱ جنوري سنه ۱۸۴۵ ع کو جاري هوا واسطے ترمیم قانون ۱۲ سنه ۱۸۴۱ ع کے جو جاري هوا تها واسطے ترمیم قوانین مجریه سابق متعلقه نیلام اراضي بعلت باقي مالگذاري کے •

چونکه ترمیم آئین مروجه بابت وصول زر مالگذاري مناسب هی اِسواسطے •

دفعه اول حکم دیا جاتا هی که آخر روز فبروري سنه ۱۸۴۵ ع سے دفعه سیوم اور دفعات مابعد اُسکي مندرجه قانون ۱۲ سنه ۱۸۴۱ ع منسوخ هوئي •

دفعه ۲ اور حکم دیا جاتا هی که جس سنه کے بموجب بندوبست اور قسط بندي کسي محال کي مقرر هوئي هو اگر کل یاجزو قسط ایسے سال کے کسي مهینه کا آیندہ مهینے کي پهلي تاریخ تک ادا نکیا جاے تو تعداد مذکور باقي مالگذاري شمار کي جائیگي *

دفعه ۳ اور حکم دیا جاتا هی که اس قانون کے اجرا کے بعد صاحبان صدربورڈ ریونیو مقام کلکته نسبت به هرایک ضلع تحت حکومت اپنے کے جسکا بندوبست استمراري هی تاریخیں واسطے اداے باقي مالگذاري اور اور مطالبوں کے که بموجب آئین مروجه مانند باقي مالگذاري کے وصول کیئے جاتے هیں مقرر کریں که اگر مطابق اُسکے وصول نهو تو محال زیر باقي اُن اضلاع میں سواے استثناء مندرجه ذیل کے برملا نیلام هوکر بیشي دینےوالے کے هاتهه بیچاجاے * اور صاحبان بورڈ ممدوح کو لازم هی که تواریخ معینه کي اطلاع گزٹ سرکاري کے ذریعه سے کرادیں اور بهي حکم دیں که مطابق اُسکے اشتهار هر ضلع میں بزبان مروجه اُس ضلع کے صاحب کلکٹر یا ڈپٹي کلکٹر کي کچهري میں یا اور حاکم که بموجب اس قانون کے اختیار نیلام کا رکهتا هو اور صاحب جج اور مجسٹریٹ یا جنٹ مجسٹریٹ جیسا مقتضاے حال هو اور صدرالصدور اور صدرامین اور منصف کي کچهري میں اور اُس ضلع کے هرایک تهانه میں مشتهر کرادیں اور جس سال سے که صاحبان صدربورڈ ممدوح تاریخ یا تواریخ جدید تبدیل کیا چاهتے هوں کم سے کم تین مهینه قبل شروع اُس سال کے اشتهار اُسکا کرادیں *

دفعه ۴ اور حکم دیا جاتا هی که جن اضلاع میں بندوبست استمراري نهیں اور بهي اضلاع بنارس میں کوئي نیلام واسطے اداے باقي مالگذاري یا اور مطالبه سرکاري کے نهوگا بےاسکے که هر مقدمه میں اجازت خاص صاحبان صدربورڈ ریوینو کي پیشتر سے حاصل هو * مگر ضرور هی که صاحبان صدربورڈ ممدوح ایسے نیلام کي اجازت دینے کے وقت ایک تاریخ تجویز کریں جسکے بعد ایسي باقي یا مطالبه نلیا جاے *

دفعه ۵ همیشه واضح رهے اور حکم دیا جاتا هی که کوئي محال واسطے وصول باقي مال یا اور مطالبه مفصله ذیل کے کسي طور نیلام نهوگا بغیر اسکے که اشتهار بزبان مروجه اُس ضلع کے به تفصیل قسم اور مقدار باقي کے اور تصریح اس بات کے که کس تاریخ کے بعد باقي نلي جائیگي پندرہ دن قبل اُس تاریخ کے جو بموجب دفعه ۳ اور ۴ اس آئین کے مقرر کي گئي هو صاحب کلکٹر کي کچهري میں یا دوسرے حاکم کي جو اختیار نیلام بموجب قانون هذا کے رکهتا هو اور جس ضلع میں محال مذکور واقع هو وهاں کے صاحب جج اور صدرالصدور اور صدرامین کي عدالت میں اور جس منصفي اور پولیس کے علاقه میں کل یا جزو اُس محال کا

متعلق هو اُس منصفي اور تهانه میں آویزان کیا جاے اور یہہ امر جس کچہري میں اشتہار لگایا جاے اُسکے حاکم کي دستخطي رسید سے تصدیق هو اور بهي محال مذکور کے مالگذار کي کچہري میں یا اُس محال کے نظرگاہ عام میں آویزان کیا جاے اور ثبوت اُسکا پیادہ یا دوسرے شخص مامور کارسے هو *

اول باقیات محالات متعلقہ اضلاع بنارس *

دوم باقیات اُن محالوں کي جنکا بندوبست استمراري نہیں هی *

سیوم باقیات سواے سال حال یا گذشتہ کے *

چہارم ایسے محال کي باقي جسکے عوض دوسرا محال نیلام هوگا *

پنجم اُن محالات کي باقي جو عدالت کے حکم سے قرق هوں *

ششم باقیات تقاوي اور پل بندي وغیرہ مطالبات کي جو مالگذاري میں داخل نہیں لیکن تحصیل اُنکي مالگذاري کے طور پر جائز هی *

دفعہ ۶ اور بهي حکم دیا جاتا هی کہ بعد گذرنے اُس تاریخ اداے باقي کے جو بموجب دفعہ ۳ یا ۴ اس آئین کے مقرر هوئي هی صاحب کلکٹر یا جو حاکم اختیار نیلام کا بموجب اس آئین کے رکهتا هو جسقدر جلد هوسکے اشتہار ضلع کي زبان میں بہ تصریح حال اُن محال یا محالوں کے جنکا نیلام کرنا هوگا بتوضیح تاریخ شروع نیلام کے اپني کچہري اور صاحب جج ضلع کي کچہري میں آویزان کرادیں اور سرکاري گزٹ میں بهي چهپوادیں اور روز نیلام پندرہ دن سے کم اور تیس دن سے زائد نہو * اور سواے استثناء ذیل کے جتنے محال اس طرح مشتہر هوں بروز معینہ نیلام خواہ بروز یا روز هاے مابعد اُسکے صاحب کلکٹر یا اور حاکم مذکور بالا اپنے روبرو برملا نیلام کرکے جو شخص سب سے زیادہ قیمت لگاے اُسکے هاتهہ بیچ ڈالیں * اور داخل کرنا روپیہ کا یا حاضر لانا اُسکا داخل کرنے کے لیئے جو بعد غروب آفتاب تاریخ اخیر کے هو مانع نیلام سے وقت نیلام کے یا باعث خلل کا بعد نیلام کے نہوگا *

دفعہ ۷ اور حکم دیاجاتا هی کہ جب کوئي محال موافق دفعہ ۶ اس قانون کے مشتہر ہہ نیلام هو صاحب کلکٹر یا دوسرے حاکم مذکور بالا کو چاهیئے کہ ایک اشتہار ضلع کي زبان میں اپني کچہري میں اور جسقدر جلد هوسکے جس منصفي اُور تهانہ کے علاقہ میں کل یا جزو اُس محال کا واقع هو اور اُس محال کي مالگذار کے کچہري میں یا اُس محال کے نظرگاہ عام میں اس امتناع سے آویزان کرادیں کہ کوئي اسامي یا کلکٹر دار تاریخ اخیر اداء مالگذاري کے دوسرے دن سے مالک یا مالکان یا قیداران کو کوئي رقم خراج کي ندیں اور جو بعد اُس تاریخ کے قیداروں کو کوئي رقم دینگے خریدار کے حساب میں مجرا پانے کے مستحق نہونگے *

دفعہ ۸ اور حکم دیا جاتا ھی کہ کوئي دعوي تخفیف خواہ معافي مالگذاري کا کہ منظوري اُسکي حضور گورنمنٹ سے نہوئي ھو اور بھي کوئي دعوي خاص باقیدار کي طرف سے سرکار پر گرو وہ دعوي واقعي ھو یا قیاسي مانع نیلام نہوگا اور نہ ایسي وجہہ سے کوئي نیلام جو اس قانون کے موافق ھوا ھی رد و باطل تصور کیا جائیگا • اور اگر کوئي اس امر کا عذر رکھتا ھو کہ کلکٹري میں روپیہ میرا جسکے پانیکا میں مستحق ھوں بمقدار باقي یا قدرے باقي کے جمع تھا موجب امتناع یا بطلان کسي نیلام متعلق قانون ھذا کا نہوگا الا اُس حال میں کہ ایسا روپیہ صرف باقیدار کے نام سے بلا تنازع جمع ھو اور باقیدار نے وقت مناسب پر درخواست گذراني ھو اور صاحب کلکٹر نے اُس رقم کو محال مذکور کے حساب میں مجرا دینےکي درخواست غفلت یا کسي وجہہ غیرموجہہ سے نامنظور کي ھو •

دفعہ ۹ اور حکم دیا جاتا ھی کہ اگر کسي وقت قبل غروب آفتاب تاریخ اخیر ادائے مالگذاري کے کوئي شخص جو مالک محال مشتہر کا نہیں ھی روپیہ بقدر باقي مالگذاري کے حاضر لاوے اس حالت میں صاحب کلکٹر کو لازم ھی کہ وہ روپیہ امانت جمع کرلیں اور اگر مالک محال غروب آفتاب تک باقي ادا نکرے صاحب کلکٹر رقم امانت کو اُس محال کے حساب میں محسوب کریں • اور اگر کوئي شخص روپیہ حسب طریق مذکور بالا کسي محال کي بابت امانت جمع کرے اور وہ شخص عدالت میں اُس زمین کي کل یا جزو کي دخلیابي کا مدعي ھو ضلع کے صاحب جج کو اختیار ھی کہ سردست دخل دلادیں اور جو قواعد ضمانت کے اپیلانٹ اور مدعاعلیہم کے مقدمات میں معین ھیں اُس شخص سے متعلق سمجھیں • اور اگر زر امانت مذکور کا داخل کرنے والا عدالت ذي‌اختیار میں ثابت کرے کہ وہ روپیہ میں نے اپنا حق بچانے کے لیئے امانت کیا تھا کہ محال کے نیلام ھوجانے سے خطرہ نقصان اور حق‌تلفي کا تھا تو اس حال میں وہ شخص زر مدکور معہ سود مالکونسے پھیر پانے کا مستحق ھوگا •

دفعہ ۱۰ اور حکم دیا جاتا ھی کہ کوئي محال واسطے باقي ایام کورٹ افواردس کے نیلام کے لایق نہوگا • اور جو محال کہ بلا شرکت غیرے نابالغ یا نابالغوں کو وراثۃ پہنچا ھو اور صاحب کلکٹر کو حسب ضابطہ واسطے اطلاع صاحبان کورٹ افواردس کے خبر دي گئي ھو لیکن صاحبان کورٹ افواردس نے بموجب قانون ۶ سنہ ۱۸۲۲ع کے اپنے انتظام میں نلیا ھو ایسا محال نابالغي کے زمانہ کي بقایا کے لیئے جب‌تک کہ نابالغ یا نابالغان یا منجملہ اُنکے کوئي پورے اٹھارہ برس کا نہو نیلام کے لایق نہوگا • اور کوئي محال جو حاکمان مال نے قرق کیا ھو بابت بقایا ایام قرقي کے قابل نیلام نہوگا سواے اُسکے کہ بموجب حکم عدالت دیواني

کے قرق ہو • اور جو محال کہ معرفت حکام مال کے بحکم عدالت قرق ہو واسطے باقي ایام قرقي کے تا انقضاے اُس سال کے جسمیں باقي پڑے نیلام کے لایق نہوگا •

دفعہ ۱۱ اور حکم دیاجاتا ہی کہ صاحب کلکٹر کو اختیار ہی کہ کسي محال کو شروع نیلام سے پہلے کسي وقت نیلام سے محفوظ رکھیں اور اسیطرح صاحب کمشنر ریونیو کو اختیار ہوگا کہ کسي وقت آغاز نیلام سے پہلے کسي محال کو نیلام سے بذریعہ حکم خاص موسومہ صاحب کلکٹر محفوظ رکھیں اور جو نیلام کسي محال کا بعد پہنچنے اُس حکم کے ہوگا وہ نیلام ناجائز ہوگا لیکن واضح رہے کہ جب صاحب کلکٹر یا صاحب کمشنر کسي محال کو محفوظ کریں وجہہ اُسکي حسب ضابطہ روکاري میں لکھیں اور بھي واضح رہے کہ اگر صاحب کلکٹر کے پاس حکم صاحب کمشنر بابت محفوظي نیلام پہنچنے سے پہلے نیلام ہوگیا ہو تو اُسکے روسے جواز نیلام میں کچھہ خلل نہوگا •

دفعہ ۱۲ اور حکم دیا جاتا ہی کہ نیلام ہمیشہ بذریعہ صاحب کلکٹر یا اور حاکم کے جسے گورنمنٹ سے اس بات میں اجازت ملي ہو صدر کچہري کلکٹري میں کیا جاے الا صاحبان صدر بورڈ کو اختیار ہوگا کہ اگر بنظر فائدہ مالکوں اور خریداروں کے مناسب جانیں اور کوئي مقام نیلام کے واسطے تجویز فرماویں •

دفعہ ۱۳ اور حکم دیا جاتا ہی کہ اگر صاحب کلکٹر یا دوسرا حاکم مذکور بالا بسبب بیماري یا تعطیل کے یا اور کسي سبب سے تاریخ معین پر نیلام شروع نکر سکیں یا بعد شروع کے کسي سبب سے ختم نکرسکیں اختیار ہی کہ روز آیندہ پر کہ روز یکشنبہ یا اور کوئي تعطیل معمولي نہو ملتوي کریں اُس حال میں ضرور ہی کہ نیلام کے ملتوي کرنیکا سبب اپني روبکاري میں لکھہ کر نقل اُسکي صاحب کمشنر ریونیو کے پاس بھیجدیں اور بھي واسطے اعلان التواء نیلام کے اشتہار اپني کچہري میں آویزان کریں اور علی ہذا القیاس جب تک نیلام پھر شروع یا ختم نکرسکیں روزانہ اسي طرح کیا کریں • لیکن سواے التواے مصرحہ صدر کے کہ وجہہ اُسکي سے بذریعہ روبکاري صاحب کمشنر کو اطلاع دي گئي ہو نیلام کو روز معین سے ہرگز نٹالیں •

دفعہ ۱۴ اور حکم دیا جاتا ہی کہ جو دن بموجب منشاء دفعہ ۹ اس قانون کے قرار پایا ہو اُسي دن نیلام سلسلہ سے بترتیب نمبر کرنا ہوگا یعنے جو محال صاحب کلکٹر کي توزیع یا رجسٹر میں سب سے چھوٹا نمبر ہو کہ مراد اُس سے اول نمبر ہی پہلے نیلام ہوگا اور علی ہذا القیاس باقي محال بھي اسي سلسلہ اور ترتیب سے نیلام کرنا ہوگا اور صاحب کلکٹر یا دوسرے حاکم مذکور کو اختیار نہوگا کہ کسي محال کو شکست نمبر پر چڑھاویں الا اُس صورت میں کہ بسبب داخل نکرنے زربیعانہ کے مطابق دفعہ ۱۵ اس آئین کے ضرورت پڑے •

دفعہ ۱۵ اور حکم دیا جاتا ھی کہ جس شخص کے نام پر نیلام ختم ھو اُس کو لازم ھی کہ فورا یا جس عرصہ میں صاحب کلکٹر ضرور جان کر مہلت دیں زر بیعانہ پچیس روپیہ سیکڑا یعني ربع قیمت نیلام نقد یا نوٹ یا پوسٹ بل بنگال کا یا کاغذ کمپني دستخط کرکے داخل کرے اور اگر اس میں کوتا ھي ھوگي تو محال مذکور فورا پیش ھوکر پھر نیلام ھوگا *

دفعہ ۱۶ اور حکم دیا جاتا ھی کہ خریدار کو نیلام سے تیسویں دن تک آفتاب کے غروب ھونے سے پہلے تمام و کمال زر قیمت نیلام داخل کرنا ھوگا اور واضح رھے کہ نیلام کا دن منجملہ تیس دن کے شمار کیا جائیگا اور اگر اتفاقا تیسویں روز یکشنبہ یا کوئي اور تعطیل معمولي ھو تو تیسویں دن کے بعد جب کچہري کھلے پہلے دن کل قیمت نیلام داخل کرني ھوگي اور اگر اندر میعاد مرقوم کے قیمت داخل کرنے میں کوتاھي ھو اُس مرتبہ اور بھي جتني دفعہ ایسي کوتاھي سرزد ھو زر بیعانہ سرکار میں ضبط ھوگا اور محال دوبارہ نیلام کیا جائیگا اور جس خریدار نے کوتا ھي کي اُسکا کچھہ دعوي محال پر یا دوسرے نیلام کي قیمت پر نہ پہنچیگا اور اگر زر قیمت نیلام اخیر کا جو مکمل ھوا ھی اگلے نیلام سے کم ھوگا تو کمي خریدار اول سے بطور باقي مالگذاري کے وصول کرکے مالک محال باقیدار کے حساب میں جمع کیجائیگي اور اگر قیمت نیلام کے داخل کرنے میں ایک مرتبہ سے زیادہ کوتا ھي ھو تو سب خریدار مشترکًا منفردًا بلحاظ تعداد اپني اپني بولي کے زر کمي کے مواخذہ دار ھونگے * ھمیشہ واضح رھے کہ ایسے نیلام کے واسطے ضرور ھی کہ اشتہار مطابق طریقہ دفعہ ۹ اس قانون کے جاري کیا جاوے اور وہ اشتہار تا انقضاے پورے تین دن کے تاریخ کوتاھي سے جاري نہوگا * اور یہہ بھي واضح ھو کہ اگر اس صورت میں بعد ادخال زر بیعانہ از جانب خریدار اور قبل غروب آفتاب واقع روز پیشتر از اجراے اشتہار نیلام ثاني مالک محال یا کوئي اُسکي طرف سے زر باقي متعلقہ نیلام اول ساتھہ اُس قدر باقي کے جو بعد اُسکے پڑي ھو داخل کرے یا حاضر لاوے نیلام ثاني نہوگا *

دفعہ ۱۷ اور حکم دیا جاتا ھی کہ اگر درخواست اپیل کي بابت کسي نیلام متعلق اس قانون کے تاریخ نیلام سے پندرہ دن کے اندر مطابق شمار دفعہ ۱۶ صاحب کمشنر ریونیو کے حضور میں داخل ھو یا دس دن کے اندر روز نیلام سے بحضور صاحب کلکٹر واسطے بھیجنے محکمہ کمشنري کے داخل ھو صاحب کمشنر اُسکي سماعت کے مجاز ھیں و الا نہیں *

اور صاحب کمشنر کو اختیار ھوگا کہ ھر مقدمہ اپیل نیلام میں جو بطور مذکور رجوع ھوا ھو اگر معلوم ھو کہ نیلام موافق اس قانون کے نہیں ھوا تو نیلام کو مسترد کریں اور بھي اگر ظاھر ھو کہ نیلام مالک کي غفلت سے ھوا ھی صاحب ممدوح کو اختیار ھی کہ اُسي وقت

بلحاظ نقصان خریدار کے تاوان مناسب مالک سے دلادیں مگر وہ تاوان زیادہ اُس سود سے نہو جو کاغذ سرکاري پر مروج ہو اور حساب اُسکا اوپر زر بیعانہ یا زر بقیہ ثمن کے ہوگا جتنے دنوں تک زر مذکور خزانہ کلکٹري میں جمع رہا ہو اور ایسے مقدمہ میں صاحب کمشنر کا حکم ناطق ہوگا *

دفعہ ۱۸ اور حکم دیا جاتا ہی کہ جملہ مقدمات نیلام میں اگر وجہہ جبریا حق تلفي کی پائی جاوے صاحب کمشنر کو اختیار ہوگا کہ حکم ناطق سے باز رکھکر رپورٹ مقدمہ کی صدر بورڈ ریونیو میں بھیجیں اور صاحبان صدر بورڈ کو اجازت ہی کہ درصورت وجہہ کافي درخواست منسوخي نیلام کي اپنے ممالک کے گورنمنٹ سے کریں اور اس حالت میں گورنمنٹ ممدوح کو اختیار ہی کہ جس شرط پر مناسب جانیں محال مذکور مالکوں کو واپس دیں *

دفعہ ۱۹ اور حکم دیا جاتا ہی کہ جس نیلام کا زر ثمن بموجب دفعہ ۱۶ اس آئین کے ادا ہوا ہو اور درخواست اپیل اُسکي نسبت، نگذرے ایسا نیلام وقت دو پہر تیسویں دن کے روز نیلام سے مکمل ہوگا اور روز نیلام تیس دن میں شمار کیا جائیگا اور جس نیلام‌کي اپیل ہوئي ہو اگر تاریخ نیلام سے تیس دن گذرنے کے بعد اپیل نامنظور ہوئي ہو تو اُسي تاریخ سے اور جو حکم نامنظوري اپیل کا تیس دن سے پہلے ہوا ہو تو تیسویں دن دو پہر کے وقت حسب تصریح صدر نیلام مکمل ہوگا *

دفعہ ۲۰ اور حکم دیا جاتا ہی کہ بمجرد کامل ہونے نیلام کے صاحب کلکٹر اور حاکم مذکورہ بالا خریدار کو سارٹیفکٹ یعني سند بطور مفصلہ ذیل لکھہ دیں * واضح ہو کہ محال فلان معمولی فلان نے نیلام عام حسب قانون اول سنہ ۱۸۴۵ ع میں خرید کیا ہی اور خرید اُسکي تاریخ فلان سے یعني روز اخیر میعاد منظوري زر باقي سے محسوب ہوگي *

دستخط فلان صاحب کلکٹر

اور یہہ سند سب عدالتوں میں واسطے استحقاق مشتري کے تاریخ سند سے شاہد کافي متصور ہوگي * اور صاحب کلکٹر کو لازم ہی کہ ایک اشتہار متضمن انتقال محال کا اپني کچہري اور کچہري منصفي اور تھانہ پولیس میں جسکے علاقہ میں کل یا جزو محال مذکور واقع ہو اور مالگذار محال کي کچہري میں یا اُس محال کے نظرگاہ عام میں آویزاں کرادیں اور زر ثمن سے اول جو باقي کہ تاریخ اخیر ادائے مالگذاري تک محال پر ہو اور پھر جو مطالبہ سوائے اُسکے حساب سرکاري میں محال مذکور پر چاہیئے وضع کرلیں بعد اُسکے جو فاضل رہے بمد امانت مالک یا مالکان سابق کے واسطے جمع رکھیں اور وہ زر فاضل عند الطلب

رسید لیکر اس طریق پر دیں کہ اگر دفتر میں حصص اُنکے بتعیین مندرج ہوں اُسکے بموجب ورنہ جملہ زر فاضل سب باقیداروں کو یکجائي رسید لیکر بکمشت دے دیں اور واضح رہے کہ اگر قبل دیئے جانے زر فاضل محال مبیعہ کے یعني جو کچھہ بعد ادائے جملہ بقایا اور دعوي سرکار کے بچ رہے مالک یا اُسکے وارثوں کو یا کوئي قرض خواہ زر فاضل مذکور پر دعوي کرے تو وہ روپیہ کسي ایسے دعویدار کو ندیا جاے اور نہ مالک کے پانے میں از روے قرقي کے تعرض کیا جاے سواے بموجب پریسپت عدالت کے اور واسطے ادا دگري کے کسي مطالبہ بابت • اور اگر ایسے مقدمہ میں زر فاضل بحکم عدالت مالک کے قرض میں خرچ کیا جاے اور اُسکے بعد دگري منسوخي نیلام کي ہو جب تک مالک وہ روپیہ معہ سود کے واپس نہ دے تب تک اُسکو دخل نہ دلایا جائیگا •

دفعہ ۲۱ اور حکم دیا جاتا ہی کہ اگر کوئي دعوي واسطے بیدخلي خریدار اہل سند کے اسطور پر پیش ہو کہ محال واسطے غیر شخص کے خریدا گیا ہی نہ واسطے اہل سند کے اگرچہ نام اہل سند کا آپس کے اقرار سے بطور اسم فرضي کے لکھا گیا ہو تب بھي ایسا دعوي تسمس کیا جاے •

دفعہ ۲۲ اور حکم دیا جاتا ہی کہ جب کوئي نیلام بحکم صاحب کمشنر مسترد ہو صاحب کلکٹر اور انسر مذکور بالا کو لازم ہی کہ جیسا اشتہار نسبت تکمیل نیلام کے بموجب دفعہ ۲۰ اس آئین کے جاري ہوتا ہی نسبت منسوخي نیلام کے بھي جاري کریں اور زر امانت بیعانہ اور جملہ زر ثمن تواریخ ادخال سے لغایت تاریخ واپسي معہ سود بحساب شرح اعلی معینہ کاغذ سرکاري بلاتوقف خریدار کو دیا جائیگا •

دفعہ ۲۳ اور حکم دیا جاتا ہی کہ جو شخص از روے خرید نیلام بعلت باقي مالگذاري اہل سند ہی واسطے جملہ قسطوں مالگذاري کے جو بعد آخر روز معینہ اداء باقي مذکور کے پڑے ذمہ دار ہوگا •

دفعہ ۲۴ اور حکم دیا جاتا ہی کہ جو نیلام بعلت باقي مالگذاري یا اور مطالبہ کے جسکا وصول مانند زر مالگذاري کے جائز ہی بعد اجراء اس قانون کے عمل میں آوے عدالت دیواني سے مسترد نہوگا بدون ان وجوہات کے کہ نیلام خلاف قواعد اس آئین کے ہوا اور یہہ بھي کہ اُس بےضابطگي کا ذکر درخواست اپیل میں جو بحضور صاحب کمشنر بموجب دفعہ ۱۷ اس آئین کے گذري ہو بتصریح لکھا گیاہو اور بھي جب تک نالش عدالت میں اندر میعاد ایک برس کے تاریخ تکمیل نیلام سے بموجب دفعہ ۱۹ اس آئین کے رجوع نہو • اور کوئي شخص بعد لینے کسي قدر زر ثمن کے جواز نیلام میں کچھہ عذر یا حجت پیش

نکرسکیگا • لیکن واضح رہے کہ اگر کوئي شخص کسي امر متعلقہ نیلام میں جو بموجب اس قانون کے ہوا ہو اپنے تئیں مظلوم جانے تو اس آئین سے اُسے امتناع نہیں ہی کہ جس شخص کے ارتکاب یا فروگذاشت سے مظلومي اپني سمجھتا ہی اُسپر واسطے تاوان پانے کے نالش کرے •

دفعہ ۲۵ اور حکم دیا جاتا ہی کہ اگر کوئي نیلام بموجب دگري ناطق کسي عدالت کے مستود ہو زر ثمن خزانہ سرکار سے خریدار کو واپس دیا جائیگا معہ سود شرح اعلی کاغذ سرکاري کے •

دفعہ ۲۶ اور حکم دیاجاتا ہی کہ نسبت کسي محال اضلاع بنگال اور بہار اور اوڈیسہ کے جہاں بندوبست استمراري ہو اور بعلت باقي اُسي محال کے بموجب اس قانون کے نیلام ہوجاے جو کچھہ لوازمات رہن و تخفیف جمع و غیرہ اُس محال میں بندوبست کے بعد ہوئے ہوں خریدار نیلام کو اُس سے سروکار نہوگا اور اُسکو اختیار ہی کہ بعد اطلاع دینے کے بموجب دفعہ ۱۰ قانون ۵ سنہ ۱۸۱۲ع گو کہ کسي آئین میں کوئي امر مانع ہو رعایا کے لگان میں اضافہ کرے یا جملہ رعایا کو بیدخل کرے الا نسبت اراضیات مفصلہ ذیل کہ مستثنی ہیں دست اندازي نہ پہنچیگي •

اول جس اراضي کا پٹہ بارہ برس سے زیادہ قبل بندوبست دوامي کے بصیغہ استمرار یا مقرري کے تھا •

دوم جس اراضي کا پٹہ بندوبست دہ سالہ کے وقت بجمع مقرري ہوا ہو اور بموجب مراد دفعہ ۵۱ قانون ۸ سنہ ۱۷۹۳ع کے ثابت ہواہو یا وجہہ ثبوت اُس امر کي نہیں ہی کہ قابل بیشي جمع کے ہی •

سوم اراضي خودکاشت یا وہ اراضي کہ رعایاء قدیم کے دخل میں ہی اور اُنکو بجمع معینہ یا بحسب قواعد مندرجہ قوانین مروجہ کے استحقاق قبضہ کا ہو •

چہارم جو اراضي بموجب پٹہ واقع بجمع مناسب میعادي یا استمراري واسطے بنانے مکان یا کارخانہ کے یا کہان یا باغات یا تالاب یا نہر یا پرستش گاہ یا قبرستان یا صفائي جنگل کے یا اور کاموں کے جن میں خلق کي آسایش ہو کسیکے قبضہ میں ہی جب تک مطلب مندرجہ پٹہ کے خرچ میں آوے •

پنجم تہیکہ جات جو ازروے صداقت شعاري بجمع مناسب رقبہ معینہ کے واسطے کسي مالک سابق کے دیئے ہوں بشرطیکہ میعاد اُنکي بیس برس سے زائد نہو اور دستاویز

ٹھیکہ کي تحریر ہوکر تاریخ تحریر سے ایک مہینے کے اندر رجسٹري ہوئي ہو • لیکن واضح رہے کہ ہرایک ایسے مقدمہ کے فریقین کو لازم ہی کہ ایک نوشتہ اطلاعي بتفصیل موقع اور رقبہ اراضي اور جمع اور شرط ٹھیکہ اور نام فریقین کے اُسیوقت صاحب کلکٹر کے حضور میں داخل کریں درصورتیکہ صاحب کلکٹر کي دانست میں اُس اجارہ سے نقصان صریح مالگذاري سرکار میں واضح ہو تو صاحب موصوف کو اجازت ہی کہ اُس سے اعراض کریں • درصورتیکہ صاحب کلکٹر ایسي اطلاع پانے کي تاریخ سے تین مہینے کے اندر باجازت صاحب کمشنر اپني کچہري میں اشتہارنامہ متضمن اعلان اعراض مذکور آویزاں کریں تو استثناء مندرجہ ضمن مذکور کارگر نہوگي • اور یہي واضح رہے کہ اگرچہ ایسے اجارہ کا پٹہ حسب ضابطہ دستخطي اور رجسٹري کیا گیا ہو اور اطلاع اُسکي بموجب مذکورہ بالا کلکٹري میں دي گئي ہو لیکن اگروہ پٹہ بجمع واجبي صداقت شعاري سے نہلکھا گیا ہو خریدار نیلام کو اختیا ہی کہ بذریعہ دلش عدالت دیواني سے مسترد کرادے •

دفعہ ۲۷ اور حکم دیا جاتا ہی کہ سواے اضلاع مندرجہ دفعہ ۲۶ قانون ہذا کے کسي اور ضلع میں اگر کوئي محال بعلت باقي مالگذاري بموجب اس آئین کے نیلام ہوا ہو بنسبت اُسکے جو لوازمات رہن و تخفیف جمع وغیرہ بعد بندوبست وقوع میں آئے ہوں خریدار نیلام کو اُنسے سروکار نہوگا • اور بہنسبت جملہ پٹہجات کے کہ باقیدار یا اُس اگلے مالکوں نے جو قایم مقام ہوں اُس شخص کے جسکے ساتھہ اول بندوبست ہوا تھا اور بھي سب اقرار جو مالگذار نے جسکے ساتھہ اول بندوبست ہوا تھا یا اُسکے قایم مقام نے پچھلے بندوبست کے بعد رعایا وغیرہ کے ساتھہ کیئے یا تصدیق کیئے ہوں اور علی ہذا القیاس جو پٹہجات کہ مالگذار مذکور بموجب شرایط بندوبست کے اختیار اُنکي منسوخي یا تجدید کا رکھتا تھا خریدار نیلام مجاز ہی کہ اُنکو رد و منسوخ کرے لیکن اس سے وہ اجارہ مستثنی رہیگا کہ صداقت شعاري سے واسطے بنانے مکان یا عمارت یا مکانات متعلقہ اُسکے یا باغات یا نہر یا تالاب وغیرہ کے دیا گیا ہو اور ایسا اجارہ اور اقرار جب تک زمین اُس کام میں رہے اور جمع اُسکي ادا ہوتي جاے بحال و برقرار رہیگا • اور واضح رہے کہ اس آئین کے مضمون سے جائز نہ سمجھا جاے کہ خریدار نیلام کسي شخص کي نسبت جسکا پٹہ حسب طریق بالا شکست ہوا ہو مالگذار سابق کے اختیار سے زیادہ شرح طلب کرے سواے اسکے کہ پٹہدار مذکور مالگذار سابق کي رعایت خاص سے یا کسي عوض پر یا اور سبب سے اراضي کم شرح سے اپنے قبضہ میں رکھتا ہو اور جب ثابت ہوکہ موافق رواجگانوں یا پرگنہ یا اور قسمت کے ایسے پٹہدار کي زمین لایق مقرر کرلے جمع جدید یا کسي اور مطالبہ غیر ممنوعہ قانون کے ہی •

دفعہ ۲۸ اور حکم دیا جاتا ھی کہ اگر مناسب معلوم ھو تو جس ملک میں محال مذکور واقع ھی وھاں کے گورنمنٹ کو اختیار ھی کہ کسي وقت قبل وقوع نیلام کسي محال کے بعلت باقي مالگذاري حکم دیں کہ اجارہ اور برات یا اور قرارداد جو کچھہ مالک سابق یا اُسکے مورث نے اُس محال پر کیا ھو یا جس قدر منجملہ اُنکے مناسب معلوم ھو جائز رکھہ کر محال مذکور نیلام کیا جاے • اور ایسي حالت میں صاحب کلکٹر نیلام پکارنے کے وقت خاص و عام کو اطلاع دینگے علاوہ اُسکے اور جو اشتہار گورنمنٹ مذکور سے نسبت اس امر کے ارشاد ھو کیا جائیگا اور واضح رھے کہ جب نیلام ایسے شرایط و قیود کے ساتھہ کیا گیا ھس اگر ایسے نیلام میں قیمت بقدرباقي کے نپڑے یا اگر اندیشہ پایا جاے کہ بسبب قیود مذکورہ کے آیندہ وصول مالگذاري میں خطرہ ھوگا اُس حالت میں قبل تکمیل نیلام کے حسب دفعہ ۱۹ اس قانون کے گورنمنٹ مذکور کو اختیار ھوگا کہ نیلام منسوخ کریں اور حکم دیں کہ محال مذکور بغیر کسي شرط و قید کے سواے شرایط یکم تا پنجم دفعہ ۲۶ اس قانون کے از سرنو نیلام کیا جاے • اگر نسبت کسي محال کے جو مع شرایط بالا نیلام ھوا بعد تکمیل اُس نیلام کے پھر بعلت باقي نوست نیلام کي پہنچے تو گورنمنٹ مذکور کو اختیار ھوگا کہ محال کے نیلام کا حکم دیں صرف استثناءات مندرجہ ضمن اول تا پنجم دفعہ ۲۶ کو بحال رکھہ کے یا بموجب قیود مقررہ مذکورہ سابق کے صورت اول میں اگر نیلام غیر مشروط کي قیمت بہ نسبت قیمت نیلام مشروط کے بہت زیادہ ھوتو گورنمنٹ مذکور کو اختیار ھی کہ کل یا جزو زر اضافہ اُن شخصوں کو دلادیں جسکا حق پہلے نیلام میں محفوظ رہ کے دوسرے نیلام میں معدوم ھوگیا •

دفعہ ۲۹ اور حکم دیا جاتا ھی کہ باستثناء حصہداران محال زیر بتوارہ جنھوں نے اپنے حصوں کو نیلام سے حسب قواعد دفعہ ۳۳ و ۳۴ قانون ۱۹ سنہ ۱۸۱۴ ع محفوظ کرایا ھو اگر کوئي مالک یا حصہدار خواہ اُسکا نام رجسٹر میں ھو یا نہو اپنے محال کو اپنے نام سے خواہ دوسرے کے نام سے خرید کرے یا اگر ایسا شخص بعد نیلام متعلق اس آئین کے بذریعہ خرید یا بطور دیگر محال مذکور پر اپنا پھر قبضہ کرے اور بھي اگر کوئي شخص ایسا محال خرید کرے جسکا نیلام بعلت باقي مالگذاري یا مطالبہ سواے بابت آسي زمین کے ھوا ھو اُس حالت میں خریدار مذکور محال کو معہ جملہ اقسام دعاوي واوازمات جو نیلام کے وقت اُسپر عائد تھے حاصل کریگا اور بھي خریدار مذکور کو کچھہ استحقاق رعایا اور کنکنہدار پر سواے اُسکے جو مالک سابق کو نیلام کے وقت محال مذکور پر تھا نہوگا •

دفعہ ۳۰ اور حکم دیا جاتا ھی کہ جو باقي باقیدار کو رعایا سے تا آخر روز معینہ اداء مالگذاري واجب الطلب تھي سو وہ باقي بعد روز معینہ مالگذاري درصورت نیلام

محال جس طریق پر کہ قبل روز معینہ مرقوم کے جائز تھا سواے قرقي لایق وصول باقیدار کے ہوگي •

دفعہ ۳۱ اور حکم دیا جاتا ہی کہ صاحب کلکٹر خواہ اور افسر کو جو اختیار صاحب کلکٹر کا نیلام کي نسبت رکھتے ہوں اختیار ہی کہ اگر کسي سے کوئي حرکت گستاخي کي بحضور صاحب موصوف کچہري یا اور مقام اجلاس میں سرزد ہو اُسپر حکم جرمانہ کا کہ دو سو روپیہ سے زیادہ نہو اور درصورت عدم ادا کے حکم ایک مہینے کي قید کا دیواني جیلخانہ میں صادر کریں اور جس صاحب مجسٹریت پاس صاحب کلکٹر ایسے مجرم کو بھیجدیں حکم مذکور اُسپر جاري کریں • الا واضح رہے کہ جو حکم صاحب کلکٹر اس دفعہ کے مطابق دیں اپیل اُسکي بحضور صاحب کمشنر ریونیو ہوسکتي ہی اور تجویز صاحب کمشنر کي اُس کي نسبت قطعي ہوگي •

دفعہ ۳۲ اور حکم دیا جاتا ہی کہ اگر زر بیعانہ معینہ دفعہ ۱۵ اس آئین کے داخل کرنے میں کوتاہي ہو اُس کوتاہي کو جرم گستاخي تصور کیا جائیگا •

دفعہ ۳۳ اور حکم دیا جاتا ہی کہ یہہ قانون مخصوص ہی واسطے صوبہ بنگال اور بہار اور اوڈیسہ اور اضلاع بنارس کے جو کہ اب پابند قوانین عامہ کے ماتحت حکومت گورنمنٹ فورٹ ولیم واقع بنگالہ کے ہیں • اور کوئي حکم اس قانون کا اراضیات واقع شہر کلکتہ اور آبادي سینگاپور اور پنانگ اور ملاکا سے علاقہ نہیں رکھتا ہی •

No. 9 OF 1848.

To Collectors and other Revenue Officers in charge of Districts.

The Board are pleased to direct that paragraph 214 of their printed Circular Order, No. 4, be considered as cancelled.

Mofussil Establishments.

Para. 214 of printed Circular No. 4, cancelled. Mofussil Establishments may be paid from the Tehseeldaree Treasuries.

2nd. The Mofussil Establishments may in future be paid by Tehseeldars from their own Treasuries, on warrants to that effect duly issued by Collectors.

Agra, the 28th April, 1848.

No. 10 OF 1848.

Summary Suits.

Defining the extent to which a Collector may revise the decision of his subordinates.

No party can claim of right to be heard in appeal in the Revenue Department from the decision of a Collector, Deputy Collector or Assistant Collector, in the summary suit Court, except by the Revenue Commissioner, and then only on the ground of irrelevancy of the Regulation to the case appealed.

2nd. Nevertheless, if a Collector think that injustice has been done by the decision in a summary suit of any Deputy or Assistant Collector subordinate to him, he may within one month, annul or amend the decision.

3rd. After the lapse of one month from the date of a decision in a summary suit by a Deputy or Assistant Collector, the Collector loses all power of interference, and the decision stands subject to the same conditions as a decision passed by the Collector himself.

Agra, the 30th May, 1848.

No. 11 OF 1848.

General Holidays on which Revenue Treasuries are to be closed.

The Sudder Board of Revenue, North Western Provinces, are pleased to publish for general information a list of Holidays on which all Revenue Treasuries are to be closed.

2nd. It is left to the discretion of the Officer in charge of Treasuries, to close their Offices upon local, or incidental Holidays.

Agra, the 18th July, 1848.

LIST OF HOLIDAYS.

No.	Holidays.	Leave Granted.
	CHRISTIAN HOLIDAYS.	
1	Good Friday,	For 1 day.
2	Christmas day,	For 1 day.
3	New Year's day,	For 1 day.
4	Ash Wednesday,	For 1 day.
5	Queen's Birthday,	For 1 day.
	MAHOMEDAN HOLIDAYS.	
6	Mohurrim,	For 4 days.
7	Akhrie Char Shumba,	For 1 day.
8	Shubrat,	For 1 day.
9	Eed ool-Fittar,	For 2 days.
10	Eed-ool zoha,	For 2 days.
11	Rubbee-ool-awul,	For 1 day.
	HINDOO HOLIDAYS.	
12	Ootryna Shunkranth,	For 1 day.
13	Bussunt Punchmee (Sree Punchum,)	For 1 day.
14	Sheoratree (Sceoburth,)	For 2 days.
15	Soombaree Umawas,	For 1 day.
16	Hoolee (Dole Jatra,)	For 3 days.
17	Ramnowmee,	For 1 day.
18	Maigh Shunkrat,	For 1 day.
19	Dahserah Jeth,	For 1 day.
20	Nirjilla Ekadshi,	For 1 day.
21	Bias Poojah,	For 1 day.
22	Sulouno (Ritchabundun,)	For 1 day.
23	Junnum Ushtami,	For 2 days.
24	Ununt Choudus,	For 1 day.
25	Duhsera,	For 5 days.
26	Dewallee,	For 3 days.
27	Deo Outhan,	For 1 day.
28	Nag Punchumee,	For 1 day.

No. 12 OF 1848.

Government sanction requisite to transfer of Pensions from one Presidency to another.

Government having brought to the notice of the Sudder Board of Revenue, North Western Provinces, an instance of transfer of Pension from the North Western Provinces to Bengal, effected by direct correspondence between Commissioners, the Board consider it necessary to intimate that paragraph 130, No. 4, of their set of printed Circular Orders, applies merely to transfer of Pension between districts under their own jurisdiction, and that in such cases as the one adverted to, it is requisite, that the arrangement be completed by obtaining the sanction of Government.

Agra, the 4th August, 1848.

No. 13 OF 1848.

Petitions to Sudder Board of Revenue, North Western Provinces.

Petitions forwarded by *Dâk* will be attended to.

Adverting to an opinion, which is commonly prevalent that the Sudder Board of Revenue, North Western Provinces, will only receive Petitions presented at Agra by principals or their accredited agents, and thus individuals being from distance travelled, and the necessary delay of reference to the local authorities subjected to much trouble and expence; the Board desire that it may be publicly notified, that they are prepared to receive and pass orders upon Petitions sent to them by Dâk, provided that they be engrossed on a Stamp paper of two Rupees value, and are accompanied by an attested copy of the other appealed against.

Agra, the 11th August, 1848.

No. 14 OF 1848.

Sales by decree of Court.

Balance of purchase money may be paid in at Tehseeldaree Treasuries.

The Court of Sudder Dewanny Adawlut, having signified that they have no objection to the balance of purchase money in sales by decree of Court being paid in at the Treasury of the Tehseeldaree within which the property is situate, the Board are pleased to promulgate the fact for general information.

2nd. The term of payment provided in Section 9, of the Court's rules, dated the 14th of December, 1845, (viz. 10 days inclusive of the day of sale) will of course be observed, and failure of payment will invalidate the sale under Section 5 of Act IV of 1846.

Agra, the 11th August, 1848.

No. 15 of 1848.

Omission of Fractions.

Board direct the omission of Fractions of a Rupee from sums proposed for remission or reduction, and in Summary Settlements.

The Sudder Board of Revenue, North Western Provinces, are pleased to prescribe that, where remission or reduction of Revenue is proposed on account of land taken up for public purposes, Fractions of a Rupee should be excluded from account. Where the Fraction is below 8 annas it may be entirely omitted; where it reaches or exceeds that amount, it should be charged as a full Rupee.

2nd. The same rule should be observed in Summary Settlements.

Agra, the 22nd August, 1848.

No. 16 of 1848.

Rules to guide Collectors in cases of accession or loss of Area from Rivers.

The Sudder Board of Revenue, are pleased to issue the following instructions, regarding the steps to be taken by Collectors in examining and reporting upon the changes which are liable to occur in alluvial lands.

2nd. Every Collector is required, as a preliminary measure, to draw out for each Tehseeldaree, a list of the villages situate within its limits, liable to increment or decrement of area by the action of a River. This list should be Mehalwar, and should show the total, the malgoozaree and the cultivated area, as well as the jumma at the time of settlement, and also at the time of the last revision of assessment.

Mehal.	At the time of Settlement.				On last Revision.				Remarks.
	Area.				Area.				
	Total.	Malgoozaree.	Cultivated.	Jumma.	Total.	Malgoozaree.	Cultivated.	Jumma.	
									This Mehal has not been altered. There is a small increment here, but not to an extent requiring revision. The decrement in this village has been separately reported on. The increment here is large and requires investigation.

3rd. At the close of the rains, and when the Rivers have sufficiently subsided, the whole of these Mehals must be visited by the Tehseeldar, who will enter in the column of Remarks such information regarding each Mehal, as he may be able to obtain. In

every case of decrement, where the zemindars claim enquiry and reduction, he must state the grounds upon which they make the demand, the nature of the land said to be cut away, and his opinion regarding the claim, founded upon such summary enquiry as he can easily make, and his own personal knowledge of what has occurred. From this Report the Collector will be able to gather what cases are likely to require investigation, and in what no further orders are necessary.

4th. On the 1st of November, or as soon after as conveniently practicable, the Collector or Deputy Collector, in company with the Tehseeldar, should repair to the vicinity of such tracts as are reported to have suffered any change requiring investigation, and take up and decide every case that may have arisen.

5th. At the close of the investigations, those cases in which such changes are ascertained to have taken place, as render an alteration of assessment necessary, should be submitted in the following classes:

First.—Settlements in consequence of increment.

Second.—Settlements in consequence of decrement.

Third.—Settlements of new Mehals formed by the River.

I. Whenever the addition of cultivated, grazing, or otherwise productive land, amounts to 10 per cent. more than the cultivated area of any Mehal at the time of settlement, a new settlement of the freshly gained lands alone, or of the entire Mehal, at the option of the malgoozar, must be made and reported as a summary settlement. On the field map of the village, or if necessary in a supplementary map, the additional land acquired from the River must be indicated in detail; that part of it which is cultivated or capable of cultivation, being distinguished from the rest. A detailed statement of the area, and of its estimated value, should accompany the Report, along with the original Settlement Forms II. and III.

II. In all cases where by change in the course of the River or by the action of the stream, a similar proportion, viz. 10 per cent. of the cultivated or otherwise productive area, or 10 per cent. of the assets, calculated upon the cultivated area of the last settlement, may be lost, a fresh settlement of the Mehal must be made, and the loss is to be marked with a red line in the field map, a detail being given in the Report.

III. Whenever lands are thrown up that, under Regulation XI. of 1825, do not belong to any particular Mehal, they must be erected into a new estate, and settled; and the Collector must apply for permission to bring the new Mehal on the Rent Roll of the district. In such cases a field map, with detail of the measurements and estimate of value of the lands, will accompany the Report.

6th. After any summary settlement thus effected, no further change is to be made in the assessment, until a further increment or decrement to the amount of 10 per cent. of the area or assets ascertained at the last summary settlement, take place.

7th. Whenever a Mehal is utterly cut away by the River, so that no portion of it remains as a land mark, the Mehal is to be struck off the Rent Roll of the district.

8th. The Collector is required to submit a yearly Report of the investigations directed in this Circular, which should reach the Commissioner by the 1st of April, and should no cases of increment or decrement have occurred, he must certify in his Report to that effect.

9th. Commissioners are requested to see that these Rules are carefully acted up to, and to report yearly before the end of May, the operations in the several Districts under their charge.

10th. When such extensive alterations have taken place in the course of a River, or the formation of alluvial deposits, as to render it expedient that a professional survey of the new outline be obtained, the Local Authorities should bring the circumstance to the notice of the Board.

Agra, the 19th September, 1848.

No. 17 of 1848.

To Commissioners of Revenue, North Western Provinces.

Board prescribe a revised Statement of the value of land to be submitted with the Annual Reports.

The Sudder Board of Revenue, North Western Provinces, with reference to their Circular C, dated 12th May, 1846, desire that the accompanying revised Statement of the value of land, No. XI. A. be adopted for the future by Collectors in submitting their Annual Reports. The Abstract (No. XI. B.) should be prepared in the Commissioner's Office, from the returns furnished by the Local Officers.

2nd. The Statements now prescribed should contain only those cases in which the Area and Jumma are defined, and all fractions in the columns of Area, Jumma and Price, should be omitted.

A of 1848.

To Commissioners of Divisions 1 to 5.

Dehli, Saugor, and Kumaon.

List or Fly Index of Records.

Transmitting instructions regarding the mode of preparing the List or Fly Index referred to in Para. 66 of Board's printed Cir. No. III. dated the 28th August, 1840.

The Sudder Board of Revenue, North Western Provinces are pleased under the orders of Government, to issue the following instructions regarding the mode of preparing the List or Fly Index referred to in Para. 66 of the Board's printed Circular No. III. dated the 28th of August, 1840.

2nd. It is commonly supposed that the Fly Index is a mere transcript of the entries in the general Pergunnah Register, relating to the Mouzah, with the bundle of which it is placed; but such is not the case. The object of the Fly Index is to arrange the Misls of each bundle in a new form, not with reference to the matter they contain, but so as to prevent the abstraction of any one Misl or the papers of any Misl. The Misls should therefore be numbered consecutively according to the date of the final order. The Fly Index should show the Misls arranged as they are received by the Record Keeper, with the number borne by each, a notice of the head of the General Pergunnah Register to which it refers, the date and the total numbers of papers in the Misl. As each new Misl is placed in the Record Office, an entry will be made in the Pergunnah Register under the proper head, and a fresh entry at the foot of the open Fly Index recording the above facts. The entries in the Pergunnah Register are according to heads and in the Fly Index consecutively according to Chronological order.

3rd. It may not be advisable now to order the reconstruction of all the Fly Indexes, but there seems to be no difficulty in closing all the present erroneously constructed Fly Indexes, by a brief entry of the total of the Misls which they include, and in opening new Indexes in the correct Form.

4th. Two specimens are added of the correct Form of Fly Index, one of which is supposed to have been rightly compiled from the commencement, and the other shews how an erroneous Form which is now prevalent may be corrected, and in future rightly carried on.

5th. You are requested to see that these orders are carried out, and to report the result at an early date for the information of the Board.

Agra, the 11th January, 1848.

CIRCULAR ORDERS

OF THE

ACCOUNTANT'S OFFICE,

NORTH WESTERN PROVINCES,

FOR 1848.

No. 229 OF 1847-48.

To ~~R. CAMPBELL, Esq.,~~ All Officers in charge of Revenue and Political Treasuries in the Bmb

~~Deputy Commissioner and Superintendent of Kythul.~~

The Province of Scinde having under the General Orders of the Governor General of India, dated 19th May 1846, published in the *Calcutta Gazette* of the 30th Idem, Page 590, been transferred to the Presidency of Bombay, I have the honor to request, that you will charge in your future Treasury Accounts all Bills that may be discharged by you drawn upon your Treasury by the Officer in charge of the Military Chest at Sukkur against the "Presidency of Bombay" instead of against the "Bengal Presidency." You are of course not authorized to draw any Bills upon the Sukkur Military Chest without the special sanction of this Office.

Agra, the 22nd March, 1848.

To All Officers in charge of Judicial Treasuries in the Bmb

No. 230 OF 1847-48.

With reference to the Orders of Government cited in the Sudder Dewanny Adawlut's Circular, dated 12th October 1846, No. 1542, I have the honor to request that you will from and after the 30th Instant, discontinue the transmission of a Monthly Cash Account and Cash Balance Report to this Office.

2nd. On the 30th Instant which will terminate the current official year 1847-48, you will be pleased to send to the Zillah Collector the entire amount of the Cash Balance in your Court up to that date, and charge a corresponding amount against the Collector supported by his Receipt. The amount of the Inefficient Balance of your Court must in like manner be transferred and charged to the Collector to whom you must send, detailed particulars of the same, for exhibition in his Treasury Account.

3rd. I beg to annex Forms Nos. 1 and 2, which I request you will adopt on occasions of paying into or drawing amounts from the Collectorate on account of the monetary transactions of your Court and its subordinate Offices at the Sudder. The Sudder Ameens or Moonsiffs subordinate to you but located in the interior must as heretofore continue their Deposit transactions with the Collector's Tehseels as indicated in the Officiating Accountant's Circular, No. 198, dated 16th October 1845, only instead of debiting and crediting their amounts under a head of "Remittances" they must by means of the Forms 1 and 2 prescribed above, be shewn in the Collector's accounts under the head "To and By Judicial Deposits of the Civil Courts."

4th. The Deposit Registers of Sudder Ameens and Moonsiffs in the interior, or at other Stations, not coming to hand for several days after the close of each month for incorporation in your Office Registers, in which an unbroken general series of numbers must be maintained, I would, to obviate the inconvenience of entering their Deposits of one month, in which they have appeared in the Collector's accounts, upon your General Registers, of the succeeding month, suggest, that in such cases, they be entered in your General Register with the number with which your Register terminated in the preceding month,—thus, supposing No. 520 to have been the last number of your General Register at the end of March, and that a Moonsiff's Register reached your Office on the 4th of April, after several Deposits had been introduced upon your General Register between the first and third bearing consecutive Nos. 521, 522, 523, 524, 525, 526 and 527; the supposed Moonsiffs' Deposits, instead of being entered in the series as No. 528 and so on, might be entered as No. 520 A., No. 520 B., No. 520 C. till they were all entered. This distinction would at once indicate that they appertained to a preceding month in which they would have been entered in the regular series, had they been received before its close.

5th. The Deposit transactions of a Moonsiff or Sudder Ameen subordinate to your Court but located in another district, as is sometimes the case, would, as heretofore, take place with the Collectorship or a Tehseel of such District: but as they must be brought upon your General Registers of Deposits, it is desirable, that they should also be exhibited in the accounts of the Collector of *your* Station. To secure this object, I would recommend that the Collectors of the distant Districts send at the end of each month a Memorandum and a Receipt of the sums received and paid on account of such Deposits to the Collector of your District; and by this means effect a transfer under "Revenue Remittances" of the transactions, to the accounts of the latter. Thus for instance, the sums received and paid as Judicial Deposits under the Collector of Muttra could be transferred to the Collector of Agra, by the former Officer only debiting and crediting the latter Officer, and the latter Officer crediting and debiting the former Officer with the amounts received and paid under "Revenue Remittances;" and the latter would also credit and debit the head "To and By Judicial Deposits of the Civil Department" in his account of the same month. This would also facilitate the necessary checks in this Office between the amounts exhibited in your Registers of

Deposits sent to this Office, and those entered in the Collector's accounts under the heads To and By Judicial Deposits of the Civil Courts. To keep such transfer transactions between the Collectors quite distinct from others, the Receipts interchanged by them should be printed ones, with a head line with these words "Judicial Deposits of the Civil Courts."

6th. You will of course submit, as heretofore, the General Registers of Receipts and Repayments of Deposits of your Court, including those of the Courts subordinate to you, for purposes of check to this Office, and their amounts should ordinarily correspond with the amounts of Receipts and Payments entered in the accounts of the Collector of your Station.

7th. You will likewise furnish this Office with the Monthly Statements of Stamps filed in cases in your Court and in those subordinate to you prescribed in the Accountant's Circulars, Nos. 449 and 28, dated 16th February 1833 and 1st July 1836.

8th. A copy of a Circular on the subject of this letter issued to Collectors, is annexed for your information.

Agra, the 24th April, 1848.

No. 1.

To the Collector of Agra.

Sir,

Be pleased to debit the undermentioned sums in your accounts and to pay the same to the Bearer for the following accounts, viz:

Date.	By Judicial Deposits Civil Department.				By Judicial Charges General.				By Profit and Loss of the Judicial Department.				By Inefficient Balance.				Total.		
	Rs.	A.	P.		R.	A.	P.		R.	A.	P.		R	A	P		R.	A.	P.
1848, May 1st	705	0	0	Of my Court, ..	16	0	0	Fine to be refunded to A.B.	73	0	0	Amount to be refunded to C. D. on account of unclaimed Deposits previously credited under G. O., dated ——— ——— viz., No. 5 of 1823-1824, ... 5 0 0 ,, 11 of 1824-1825, ... 10 0 0	90	0	0	On account of the contingencies of my Office, viz., *Miscellaneous.* 15 for Petty contingencies, .. 25 Rent of Moonsiff's Courts, . 40 Rewards for apprehending an offender, .. 10 Temporary Establishment, for Tanties and Punkahs.			
,,	72	0	0	Of the Sud. Ameen's Court, ..	23	0	0	Sale proceeds of unclaimed property to be paid under Government Orders, dated ——— to E. F.— admitted Claimant.											
	115	0	0	Of the Agra Moonsiff's Court, ...															
	892	0	0		39	0	0		73	0	0		90	0	0		1094	0	0
				By Transfer.												Co.'s Rs. One Thousand and Ninety four.			
	210	0	0	Amount of unclaimed Deposit of 20 years' standing and upwards, this day transferred to 'Profit and Loss.'				N. B —A counterpart of the figured Statement herein must be entered on the reverse in the Vernacular for the guidance of the Collector's Treasury Department, who will report whenever this return is delayed a day beyond the date it bears.								Agra Judge's Office, 1st May, 1848. *Judge.*			

No. 2.

To THE COLLECTOR OF AGRA.

SIR,

Be pleased to receive from the Bearer

the undermentioned sums aggregating Co.'s Rupees 1136, and to credit the same under the heads indicated below in your accounts.

Date.	To Judicial Deposits Civil Department.				To Judicial Charges General.				To Profit and Loss of the Judicial Department.				Total.	
	R.	A.	P.		R.	A.	P.		R.	A.	P.	By Transfer.	R.	A. P.
1848, May 1st,	305	0	0	Of my Court, ..	25	0	0	Fine of my Court levied in case No. 18.	210	0	0	Amount of unclaimed Deposit of 20 years standing and upwards, viz.,		
	716	0	0	Of the Sudder Ameen's Court, ..	37	0	0	Sale of unclaimed Property of ——— under Govt. Orders, dated ———				No. 14 of 1826-27, ... 49 0 0 No. 39 of ditto, ... 110 0 0 No. 24 of 1827-28, ... 51 0 0		
												210		
					5	0	0	Savings of Establishment of my Court.						
	1021	0	0		67	0	0		210	0	0		1136	0

One Thousand, One Hundred and Thirty-six.

Agra Judge's Office, 1st May, 1848.

N. B.—A counterpart of the figured Statement herein must be entered on the reverse in the Vernacular for the guidance of the Collector's Treasury Department, who will report whenever this return is delayed a day beyond the date it bears.

Judge.

No. 231 OF 1847-48.

To all Officers in charge of Judicial and Political Treasuries in the North Western Provinces.

I have the honor to annex for your information and guidance, copy of a Circular this day issued to all the Judges in the North Western Provinces directing them to discontinue their Cash accounts, and to conduct the future monetary transactions o their Office through the Treasury of the Collector of their Station.

2nd. You will therefore be good enough to receive such amount as the Judge at your Station may make over to you as the amount of his Cash Balance, and what he may indicate to be the amount of his Inefficient Balance on the 30th Instant, and credit the same under "By Judge of ————————" in your Treasury Account for the *current* month if practicable, but this Remittance head in your accounts must thereafter cease.

3rd. You will however have to open the heads noted in the margin* in your future Treasury Accounts, subordinate to a general head "To and By Judicial Department" entering therein the Receipts and charges of the nature indicated under them respectively in the Forms 1 and 2 appended to the above cited letter.

* Judicial charges General.
Profit and Loss of the Judicial Department.
Judicial Deposits of the Civil Courts.

4th. As in his returns to you, the Judge will state the nature of the items and the head to which they should be carried, it is not necessary for me further to explain the mode of operation, but I must enjoin particular attention to the classification in your accounts of the Receipts and charges in the manner the Judge may point out.

5th. All transactions appertaining to or being of the nature of Receipts and Repayments of "Judicial Deposits" must be shown under the head "To and By Judicial Deposits of the Civil Courts," and must include all those of a similar nature which have passed through the accounts of any of your Tehseels or have come to you by transfer from another Collectorate, as well as those, which have taken place at your Sudder Treasury in the same month: thereby promoting a correspondence between the aggregates entered in your accounts and those exhibited in the Judge's Registers of Deposits for the same period.

6th. The details with which the Judge will furnish you of his Inefficient Balance on the 30th Instant, together with any sums he may require in future upon his Receipts on account of his Office contingencies (which are ordinarily of trifling amount,) must be entered under your Inefficient Balance with a subordinate heading of "Judge's Inefficient Balance," and the distinction must be carefully maintained in future. The item thus entered will of course have to undergo adjustment by Audited Bills in the same manner as advances to the Commissioner now are.

Agra, the 24th April, 1848.

No. 232 of 1847-1848.

To All Officers in charge of Agencies and Subsidiary Treasuries in the North Western Provinces.

It being desirable to have an uniform practice in advising this Office of Supply Bills drawn upon the General Treasury at Fort William, and on Treasuries in the North Western Provinces, when opened for negotiations, I have the honor to subjoin a Form of Weekly Advice for adoption in your Office, in which you will be pleased to report the Supply Bills drawn by you upon each separate Treasury, carefully filling up the several Columns with the necessary particulars.

2nd. The Week must be reckoned from Monday to Saturday, and the amount drawn for upon the same Treasury up to the end of the past week, since the commencement of the Official year must be brought forward. If this is done from week to week, and the return dispatched by every Saturday's Dâk, this Office will be apprized of the extent of the negotiations effected at the earliest practicable period. As any delay will render such return valueless, I beg to enjoin the greatest punctuality in its despatch.

Agra, the 26th April, 1848.

For the ACCOUNTANT of the N. W. P.

Weekly List of Supply Bills drawn by the Collectorship of

from Monday the *to Saturday the* 184

upon the *of*

Date and Register Number of the Bills.	*In whose favor drawn.*	*Amount of Bills on Co.'s Rupees.*	*No. and date of Accountant's letter under which drawn.*	*At what Usance.*	*Amount of Premium received or of discount paid.*
184	*Brought forward Rs.*				

The *Collectorship,* 184 *Collector.*

No. 233 OF 1848-49.

To All Officers in charge of Revenue and Political Treasuries in the N.W.P.

I have the honor to annex for your information and guidance, copy of a letter and its annexures from the 1st Assistant Accountant General in charge of the Office of Military Accountant, dated 8th March last, from which you will observe that the indulgence of obtaining from the Government Treasuries Family Remittance Drafts at par heretofore restricted to the Native Soldiery, is now extended to Gun Lascars of all Ranks, who, being fighting men, are considered to have a fair claim to the indulgence under the existing Rules.

2nd. Should there be a Military Pay Master located at your Station, the Native Soldiery as well as Military Officers when applying for Remittance Drafts under existing Rules should be referred to that Officer if included in his circle of payments, otherwise their applications must be complied with; but always in strict accordance with prescribed rules.

Agra, the 25th May, 1848.

No. 5629 OF 1847-48.

To the Accountant North Western Provinces, Agra,

Fort William, 8th March, 1848.

With reference to your letter of the 9th December, 1846, No. 4100, requesting to be informed what classes of public servants are entitled to Family Remittance Drafts under Government General Orders, dated 10th April, 1810, I have the honor to annex for your information and guidance, on the subject, copy of Mr. Walker's letter of the 5th ultimo, No. 4995 to the address of the Secretary to the Government of India, in the Military Department, and of that functionary's reply No. 189 of the 11th Idem.

No. 4995 OF 1847-48.

FROM R. WALKER, ESQUIRE,

Accountant, Military Department.

TO COL. J. STUART, C. B.,

Secy. to the Govt. of India, in the Military Dept.,

Fort William, 5th February, 1848.

Frequent applications having been made by the Accountant, North Western Provinces, for information of the classes of native public servants who are

entitled to Family Remittance Drafts at par under the General Orders, noted in the margin* which grants the indulgence to Sepoys only, I have the honor with reference to your communication of the 29th July 1840, No. 589, intimating that Camp Followers or persons attached to the Regimental or Sudder Bazars are not entitled to the indulgence, to request the favor of being informed, whether or not the public servants enumerated in the margin* may be considered entitled to the indulgence, for communication to the Accountant, North Western Provinces and to all Officers of the Pay Department.

* Proc. *vide* 10th April, 1810, G. G. 22nd July, 1814.
Do. No. 211, dated 8th September, 1841.

* *Gun Lascars of all Ranks.*

Native Doctors.	Armorer workmen.	Sicklegurs.	Weighmen.
Mistry Carpenters.	Blacksmiths ditto.	Farriers.	Sweepers.
Carpenters.	Bellowsmen.	Moochies.	Syces.
Mistry Smiths.	Braziers.	Puckalies.	Grasscutters.
Smiths.	Turners.	Bheestees.	Tindals.
Filemen.	Coopers.	Drivers.	Moonshees.
Firemen.	Chucklers.	Tent Lascars.	Moulvees.
Hammer men.	Painters.	Chowdries.	Pundits.
Sirdars Mag. Estt.	Sailmakers.	Mootsuddies.	Bildars.
Workmen Ditto.	Sawyers.	Flagmen.	Ghunta Pandees.

No. 189.

To the Accountant, Military Department.

In reply to your letter No. 4995 of the 5th Instant, I am directed to acquaint you that, by the General Orders recorded in the margin, the indulgence of obtaining from the Government Treasuries, Family Remittance Drafts, at par, is restricted to the Native Soldiery; that in my letter No. 589, dated the 29th July, 1840, it was ruled by Government, that Camp Followers, or persons attached to Regimental or Sudder Bazars, were not entitled to the benefits of the Regulation in question, and, that the Right Honorable the Governor General in Council, is not disposed to sanction the extension of the privilege to any of the public servants specified in the margin of your letter, with exception to Gun Lascars of all ranks who being fighting men, are considered to have a fair claim to the indulgence under the existing rules.

Council Chamber, the 11th February, 1848.

No. 234 of 1848-49.

To *All Officers in charge of Revenue and Sub-sidiary Treasuries in the N.W.P.*

The Rule prescribed for sending advice to the Officers in charge of the Treasuries on which Bills may be drawn, by the Post of the same day on which the Bills are granted, not being strictly attended to; and the Bengal Accountant having brought

Bengal Accountant's Circular No. 455, dated 4th April, 1833, para. 2nd.

to my notice the irregularity in the transmission to his Office of the advice of Bills drawn upon the Sub-Treasurer; I beg to call your attention to the subject, and to request, that you will issue strict orders in your Office for the punctual dispatch of the letters of advice on the same day that the Bills are delivered to the parties obtaining them.

Agra, the 3rd June, 1848.

No. 235 OF 1848-49.

To All Officers in charge of Revenue and Judicial Treasuries in the N.W.P.

I have the honor to inform you that I have this day dispatched to your address by Dâk Banghy one copy of a work denominated the Accountant's Manual published under Government authority.

2nd. As it embraces all that is material in former Circulars, the work is intended to serve as a Book of guidance for your Office, in the preparation of your periodical returns to this Office, and the management of the Treasury under your charge. Consequently future references from this Office will be made to the page or paragraph of the Manual instead of to former Circulars on occasions of indicating irregularities in the transactions of your Treasury, or the correct modes of procedure which should have been attended to.

3rd. Specimens of the accounts, &c., to be furnished to this Office will be found in the Appendix to the work, and I have particularly to request that all your returns may be drawn out in strict conformity to the Forms given, so far as they may suit the peculiar circumstances of your District and monetary transactions. Your Treasury Accounts (Monthly and Annual,) especially, must be compiled in accordance with the Form, and the classification and consecutive order of items therein given, must be carefully observed.

4th. You will accordingly be pleased to cause the Manual now sent which embraces the instructions issued from this Office up to December 1846, to be carefully presented and strictly attended to; and all modifications or additions to instructions made subsequently, should be noted in the Manual.

Agra, the 24th June, 1848.

No. 236 OF 1848-49.

To All Officers in charge of Revenue and Judicial Treasuries in the N.W.P.

I have the honor to request, with reference to the Form of "Check Register of Bills Payable" prescribed in Accountant's Manual para. 101, and Appendix

No. XXIII. that, should the Form now in use in your Treasury not contain a Column designed for the indication of the "name of Payee," you will be good enough, in opening your similar Register for the ensuing year 1849-50, and for subsequent years, to introduce an additional Column preceding that for amounts, headed as above, for the insertion of the Payee's name, so that a greater degree of facility may be afforded for the examination and identification of Bills of Exchange presented for payment at your Treasury.

Agra, the 29th September, 1848.

ADDENDUM TO PART I.

Para. 103—first line, after amount insert "name of Payee."

No. 237 of 1848-49.

To All Officers in charge of Revenue and Public Treasuries in the N.W.P.

I have the honor to request that you will on occasion of making specie Remittances, particularly to a distant Treasury on Tumbrils attached to your Office, take measures to have your Tumbrils returned to you, if possible, by the return Bullocks from the District where the change of Bullocks takes place, the Treasure being transferred into the Tumbrils of such District and taken on thence to its destination; you of course providing for the charges of transit for the whole distance, in order that the entire expense incurred for the Remittance may be borne on your accounts.

2nd. When extra Tumbrils are called for from a neighbouring Magazine, from the paucity of those attached to your Office, instructions should be sent with them to the Collector of the District where they may be changed as above indicated, or to which they may be consigned (as circumstances may warrant,) to send such extra Tumbrils into the nearest Magazine, and the Receipt of the Officer in charge of the Magazine forwarded to you for transmission to the Magazine from which they were originally procured for the occasion, thereby accounting for their disposal.

3rd. When Treasure is remitted on country Carts or otherwise, in boxes, the Poddar accompanying the Remittance should be charged with the duty of bringing back the Treasure boxes and bags, if possible on one of the return Carts.

4th. You will be pleased also to make it a Rule in your Treasury neither to receive bags with money paid into your Treasury, nor to issue any bags on occasions of making payments of money to parties.

Agra, the 29th September, 1848.

No. 239 OF 1848-49.

To All Officers in charge of Revenue and Political Treasuries in the NWP

Frequent instances of differences occurring between the amounts credited in Collectors' Treasury Accounts, under the head "To Stamp Duties" as the sale proceeds of Stamps realized, and those reported by Collectors to the Superintendent of Stamps at the Presidency; and it being desirable that an entire correspondence should be maintained between such credits and reported sales, or the causes of differences early explained, so as to obviate the delay and inconvenience attendant on a protracted correspondence; I have to request, that you will in your Treasury Accounts for the current and ensuing months, open a Memorandum placing therein in juxta position the amounts credited as Stamp duty and those reported to the Superintendent as the amount of Stamps sold during the same month, as follows:

	As per Treasury Account.			*Reported to Superintendent of Stamps.*			*More.*			*Less.*			*Explanation.*
Comparative Memorandum of Stamps sold in October, 1848...	2350	0	0	2300	0	0	50	0	0	0	0	0	In adjustment of short credit in last month.

2nd. By strict adherence to the above Form, this Office will be placed in a position readily to ascertain the cause and to reconcile any differences that may be found to exist between the Quarterly Statements of Stamps forwarded to the Superintendent, and those received from that Officer: but I beg to add, that ordinarily no difference should be allowed to exist, it being essentially important that the two Statements should afford the same results.

Agra, the 20th October, 1848.

No. 240 OF 1848-49.

To

I have the honor to draw your attention to the subjoined "Errata" and to request that corresponding Addenda may be made in the copy of the Accountant's Manual furnished for the use of your Office.

Agra, the 30th October, 1848.

ERRATA.

Page 51, last line, after "Rupee" insert "should be credited to Bengal Presidency, but those"

Page 52, first line, after "credited" insert "distinctly."

No. 241 of 1848-49.

To All Post Masters in the Mrs

On occasions of laying Dâks for Military Officers ordered to proceed to the Frontier or other place by Dâk at the public expense, I have the honor to request that you will transmit without delay your Bills for the entire distance travelled, in duplicate, direct to the Military Auditor General at the Presidency for the requisite Audit. The instructions of 8th February 1844, prescribing that the Bills should first be sent to this Office are now deemed unnecessary, as it involves delay in adjustment.

2nd. The prescribed declaration on honor as to the outlay, as per margin,* must invariably be inserted at the foot of each Bill and a copy of the General, or Station, or other order under which the Dâk was laid, must be transmitted with the Bill to the Military Auditor General.

* I do hereby declare upon my honor, that the sums contained in this Bill have been actually expended by me for the purposes set forth.
A. B.,
Post Master.

3rd. After Audit the amount should be debited in your Cash Account under the head "Payments on account of the Military Department" subordinate to "By Bengal Presidency" and your Inefficient Balance relieved of the transaction, the audited Bill being furnished as a Voucher to cover your charge.

Agra, the 7th November, 1848.

No. 242 of 1848-49.

To All Officers in charge of Revenue and Political Treasuries in the Mrs

I have the honor to request that you will make it an invariable rule in your Office in granting Bills, to indicate therein the name of the Individual at whose instance they are respectively issued, either as Payees or as the party by whom the Bill was applied for, or its amount paid. In the case of Military men, the name and rank of the Officer or Sepoy making the remittance must be distinctly indicated; and, in all cases, the orders under which each Bill is issued must be carefully quoted.

2nd. I request further that at the foot of the Bills issued to or on account of Military Officers' Remittances, you will invariably insert a *Notâ Bene* clause as per margin.*

* N. B. This Bill is claimable only from the Collector of—— ——— unless he certify that assets are wanting, in which case it must be sent for payment to the Collector where money is procurable.

Agra, the 17th November, 1848.

No. 243 of 1848-49.

To all Post-Masters in the North Western Provinces.

To obviate the irregular practice in several Post Offices of taking credit for payments made into the Collector's Treasury in the month subsequent to that of which

the Cash Account professes to render an account, a practice by which the Writer or Baboo of the Post Office making use of the collections of one month, pays in subsequent collections on account of the previous month and thus can generally keep in hand the collections of half a month at least, I have to request that you will personally attend to the rule which directs the payment of all your collections into the nearest public Treasury whenever they amount to One Hundred Rupees, and be careful that the Remittances to such Treasury charged in your Cash Account for each month, are supported by Receipts of that month and not dated in a subsequent month. To secure this last mentioned object, I request you will on the morning of the last day of each month send all the cash in hand into the nearest public Treasury, and thus leave no more than the *bonâ fide* collections of the last day in hand as your cash balance, which also should without fail, be similarly paid in on the 1st of the succeeding month, if the last or first day fall on a Sunday or other Holiday, the Remittance must be made on the day preceding.

The practice too of crediting collections of postage except for undelivered letters, and holding such collections in Inefficient Balance on account of their non-realization within the month, arising from allowing credit to parties, if it obtain in your Office, must be immediately discontinued. No credit to parties is allowable, and no collections ought to be entered as realized, when in fact it is otherwise.

As you will be held personally answerable for strictly carrying out these instructions, any deviation from them observed in your practice, will be brought to the notice of the Post-Master General without reference to you.

Agra, the 7th December, 1848.

CIRCULAR ORDERS

OF THE

CIVIL AUDITOR'S OFFICE,

NORTH WESTERN PROVINCES.

FOR 1848.

No. 1056.

To all Officers in charge of Political and Revenue Treasuries in the North Western Provinces.

To enable me to give effect to the Orders of Government for a thorough enquiry and revision in the Pension Audits, I have the honor to request you will furnish to this Office the Statements noted in the margin, * with separate Memos: attached to each of such as may be in arrears for a period exceeding six months after being payable.

No, 1—Of Pensions payable Monthly.
" 2—Of ditto Quarterly.
" 3—Of ditto Half Yearly.
" 4—Of ditto Annually.

2nd. It is particularly requested that the greatest possible care be taken in the preparation of the returns now called for, so that no omissions may occur, or irregularity take place, and full information be furnished on all points.

3rd. The object of this Circular is 1st to obtain correct Lists of every Pensioner under Government in the North Western Provinces, and 2ndly, to learn the state of arrears, by parties failing to draw for their stipends.

4th. As it is my intention to submit a Report to Government on the Returns called for, I shall be glad to be favored with your sentiments in cases that you may recommend being struck off the List.

5th. I beg to forward herewith Forms of the required Lists and Memos, to which your particular attention is solicited.

6th. In conclusion I have to observe that a List of such Returns as may not be received by the 1st January 1849, will be furnished to Government for Orders.

Agra, the 30th October, 1848.

*Alphabetical List of * Pensions payable from the Treasury of*

No. of Descriptive Certificates.	Date of Authority.	Names of Pensioners	Description of Pensions.	Amount of Pensions.	Total of each Department.	Whether drawn by attorney or in person.	Up to what period paid.	Remarks.
		Revenue.						
		Judicial.						
		Political.						
		General.						
		* *Note.* 1 Monthly, 2 Quarterly, 3 Half Yearly, 4 Annually, } To be forwarded separate.						

*Memorandum of * Pensions remaining unpaid for a period exceeding Six Months in the Treasury of the Collector of*

No. of Descriptive Certificates.	Names.	Description of Pensions.	Amount.	Total of each Department.	Period for which Pension has not been drawn.	Remarks called for in the 4th para. of the Civil Auditor's Circular.
	Revenue.					
	Judicial.					
	Political.					
	General.					
	* *Note.* 1 Monthly, 2 Quarterly, 3 Half Yearly, 4 Annually, } To be annexed to each List separately.					

No. 191.

To all Officers in charge of Revenue Treasuries in the North Western Provinces.

I have the honor to inform you that no items on account of Specie Remittances will in future be admitted in your Monthly Contingent Bills, unsupported by a Voucher countersigned by the Accountant, North Western Provinces.

Agra, the 6th March, 1848.

ACTS AND ORDERS

FOR THE

GOVT OF INDIA
LIBRARY

NORTH WESTERN PROVINCES,

FOR THE YEAR

1849.

REPUBLISHED

FROM THE AGRA GOVERNMENT GAZETTE,

BY ORDER OF THE HONORABLE

THE LIEUTENANT GOVERNOR,

NORTH WESTERN PROVINCES.

AGRA:

SECUNDRA ORPHAN PRESS.

1850.

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CIRCULAR ORDERS

OF THE

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NORTH WESTERN PROVINCES.

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OF THE

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mitted for Promissory Notes to the Deputy Accountant General to the Government of India at Fort William, and that a copy of such Register be forwarded to this Office, ...	1st May, 1849, ...	62
Annexing copy of Circular for information and future reference, issued by Officiating Accountant, Military Department, dated 24th January last, with a view to obviate delay in adjustment of advances made to Military Officers, or Corps, on emergency from Civil Treasuries, when such Officers or Corps are removed from the circle of one Pay Master's payment, to that of another Pay Master, ...	7th May, 1849, ...	63
Requesting that whenever a Fee of 3-4th of Rupees 50 is made over by a Chaplain for the erection of a mural Monument in any Church, the same is to be brought to credit under the head of "Church," subordinate to "To Charges General of the General Department, North Western Provinces," the entry to contain the designation of the Chaplain, and the Church in which the Monument is to be erected...	9th May, 1849, ...	*ib.*
Intimates that parties holding mere Accommodation Bills in contradistinction to Supply Bills, are not entitled to interest, when such Bills are not paid at maturity for want of assets, and that on certification of a want of assets, a Pay Master's Bills must be sent for payment to, or an exchange draft given, on the nearest Treasury where funds are available. The present instructions to be considered as modifying those contained in Paragraph 3, under Article "Deficiency of Funds," at Page 47 of the Accountant's Manual, ...	15th May, 1849, ...	64
Requesting that when Bills are issued on the application of the Honorable the Lieutenant Governor, and to His Honor's Staff, (that is, to the Private Secretary, Aide-de-Camp and personal Surgeon) that the orders of Government referred to, on the 16th May 1844, be cited as authority for granting such Bills, ...	23rd June, 1849, ...	*ib.*
Intimating that the instructions of Circular No. 255, dated 23rd June last, regarding granting Bills on other Treasuries at par to the Lieutenant Governor and his Staff are also applicable to the Secretary, and Assistant Secretary to Government whenever they be absent from Agra on duty with the Lieutenant Governor, ...	7th August, 1849, ...	*ib.*

ACTS AND ORDERS

FOR THE

NORTH WESTERN PROVINCES.

ACTS.

ACT No. I. of 1849.

An Act to provide more effectually for the punishment of Offences committed in Foreign States.

Whereas divers Regulations of the Bengal, Madras and Bombay Codes have been made from time to time for the trial of Native Subjects of the British Government, committing criminal offences beyond the limits of the British Provinces, and it is expedient to make the same more effectual and uniform, and to extend the application thereof, it is enacted as follows:

I. The undermentioned Regulations and parts of Regulations are rescinded, that is to say:

Regulation V. of 1809, Regulation VIII. of 1813, Section 6, of Regulation I., and the whole of Regulation IX. of 1822, and Regulation VIII. of 1829, of the Bengal Code; Regulation II. of 1829, and Regulation XII. of 1832, of the Madras Code; Section 4, of Regulation XI. of 1827, of the Bombay Code, except so far as any of them rescinds any former Regulation.

II. All Subjects of the British Government, and also all persons in the Civil or Military Service of the said Government, while actually in such service, and for six months afterwards, and also all persons who shall have dwelt for six months within the British Territories under the Government of the East India Company, subject to the laws of the said Territories, who shall be apprehended within the said Territories, or

be delivered into the custody of a Magistrate within the said Territories, wherever apprehended, shall be amenable to the law for all offences committed by them within the Territory of any Foreign Prince or State; and may be bailed or committed for trial as hereafter provided, on the like evidence as would warrant their being held to bail or committed for the same offence, if it had been committed within the British Territories.

III. The Committing Magistrate, immediately, and before the trial, shall report every such case to the Government, and shall obey the orders which he shall receive thereon.

IV. The Government may order the trial to be had before one of the established Courts of Criminal Judicature, which would be competent to try the person charged for the offence, if it had been committed within the British Territories.

V. When the offence is charged to have been committed in the Territory of any Foreign Prince or State, administered by Officers acting under the authority of the East India Company, in which Territory a Court, competent to try the person charged for the offence, is established by authority of the Governor General of India in Council, the Government may order such person to be conveyed in custody, out of the British Territories, for the purpose of delivering him up for trial before such Court.

VI. When the person charged is committed, the form of the warrant shall specify the commitment to be until the orders of Government can be received and acted on; when he is bailed, the form of the bail-bond shall be, in the first instance to appear before the Magistrate on a certain day assigned, allowing reasonable time for receipt of the orders of Government, and on such subsequent days as the Magistrate from time to time shall require, and if Government shall order the person charged to be tried within the Presidency, the Magistrate may cause the bail-bond to be renewed in the usual form, to appear and take his trial at the Court appointed for the purpose.

VII. In either case, the special order of the Government shall be deemed full authority, either for the trial and punishment of the person charged within the British Territories, or for conveying him in custody, out of the British Territories, as aforesaid.

VIII. The word 'Government' as used in the third and following Sections of this Act, means the Governor or Governor in Council, or other person or persons having supreme executive authority in the Presidency or place to which the committing Magistrate belongs.

IX. The authority hereinbefore given to the Government may be also exercised by any Commissioner or other person acting in the Civil Service of the East India Company, to whom the Governor General in Council shall have delegated authority to receive reports and give orders in cases within this Act.

The 27th January, 1849.

ACT No. II. OF 1849.

To abolish the practice of Branding and Exposing Convicts.

Whereas it is thought fit to abolish wholly the practice of branding and publicly exposing Convicts throughout the Territories under the Government of the East India Company, It is enacted as follows:

I. Section XI., Regulation IV. 1797, Section XXXV., Regulation VII. 1803, and Clauses Second, Third and Fourth, Section XII., Regulation XVII. 1817, of the Bengal Code; Section XXXV., Regulation VII. 1802, of the Madras Code; and so much of Clause First, Section III., Regulation II. of 1807, and of Sections IX. and X., Regulation XVII. of 1817, of the Bengal Code; so much of Section III., Regulation VI. of 1811, and Sections V., VI., Regulation II. of 1822, of the Madras Code, and all other Regulations or parts of Regulations, in force, directing that any convicted offenders shall have any indelible mark made upon their foreheads, or on any part of their persons, or authorizing any sentence of public exposure, commonly called Tusheer, and so much of Chapter II., Regulation XIV. of 1827, of the Bombay Code, as authorizes any sentence of public disgrace, are rescinded.

II. After the passing of this Act it shall not be lawful for any Court or Magistrate within the Territories, under the Government of the East India Company, to order that any brand or indelible mark of any kind be made, or renewed on any part of the person of any convicted offender, or to sentence any offender to be publicly exposed by Tusheer, or to any other degrading exposure.

The 27th January, 1849.

ACT No. III. OF 1849.

An Act to confirm an Agreement between certain Shareholders and Creditors of the Union Bank of Calcutta.

Whereas by Act XXIII. 1845, certain persons, therein declared to have formed themselves into a Company or Co-partnership by the name of "The Union Bank of Calcutta," and those who should thereafter become Members and Proprietors of the said Union Bank, were unable to sue, and to be sued, at law and in equity, in the name of the person who should be the Secretary or the Treasurer of the said Bank, for the time being, and certain provisions are therein contained for the recovery of debts and demands due by the said Co-partnership.

And whereas a Memorial has been presented to the Governor General of India in Council, signed by Thomas Charles Morton, Esquire,—Henry Burkinyoung, Esquire,—Jeremiah James Homfray, Esquire,— and Baboo Prosunnocoomar Tagore,—all therein described as Members of the Executive Committee of Management of the said Union Bank, and also by certain persons, therein described as Members of the Committee of Creditors of the Union Bank,—that is to say, Charles Hogg, Esquire, therein described as constituted Attorney for Glyn, Halifax, Mills and Company, by Henry Cowie, Esq., and by Thomas Seddon Kelsal, Esquire, setting forth, that the said Joint Stock Bank-

ing Company, or Union Bank of Calcutta suspended payment about the close of the year 1847, and that the remaining assets of the said Bank are insufficient to satisfy the outstanding debts and liabilities: that several Creditors of the Bank have obtained judgment against the public Officer under the said Act XXIII. 1845, and the assets of the Bank being insufficient, certain of the said judgments are put in suit against individual Shareholders; and that the Memorialists fear that, unless some mutually satisfactory arrangement can be immediately made between the Creditors and the Shareholders, an enormous sacrifice of property will speedily take place, and a great number of persons be involved in utter ruin; that many of the Creditors are willing to agree with the Shareholders, and to give as complete a discharge as the law will allow, to those Shareholders who will pay such reasonable sums of money as have been assessed on them respectively, on account of the said debts and liabilities, by a Committee of Creditors, appointed at a public meeting of the Creditors, provided that such discharge do not work a release or otherwise affect their claims, in respect of the said debts and liabilities, against other persons liable to make good the same, who shall refuse or neglect to pay the sums so assessed on them respectively; and that many of the said Shareholders are willing to pay the sums so assessed on them, provided that they may be thereby secured from all proceedings at law or in equity, in respect of the said debts and liabilities, at the suit of any Creditor who shall have executed such agreement as aforesaid, and accepted any payment out of the sums so contributed; that doubts have been entertained of the legal effect of such an agreement and discharge: and praying, therefore, that the effect of it may be established and defined by authority of the Governor General of India in Council, without prejudice to the rights of any Creditor of the said Bank executing the same, against any present or past Shareholder of the said Bank, who shall not have paid up, in the manner prescribed by the said agreement, the full amount of the sum assessed on him or her as aforesaid, or to the rights of any Creditor who shall not execute the same, It is declared and enacted as follows:

I. The agreement of which a copy is annexed to this Act, being the agreement referred to in the said Memorial, shall be of full force as between those Creditors of the said Union Bank who shall execute the same, and those persons named in the Schedule hereinafter mentioned, and in the said agreement described as the Schedule thereunto annexed, marked A, being the Schedule of Assessment or Contribution toward the liquidation of the debts of the said Bank, who shall, in the manner mentioned in the said agreement, pay the several sums at which they are severally assessed in the said Schedule of Assessment; but shall be of no force to affect the rights or liabilities of any persons other than such as are party or privy thereunto, or the rights or liabilities of the persons named in the said Schedule, as against each other.

II. If any Creditor of the said Bank, who shall have executed the said agreement, shall thereafter sue out any Writ of *Scire Facias*, or take any other proceeding at law or in equity, on account of any debt or liability of the said Union Bank, against any person named in the said Schedule of Assessment, who shall have paid in the manner mentioned in the said agreement the full sum at which he or she is assessed in the said Schedule of Assessment, the execution of the said agreement by such Creditor, and payment of the said Assessment by the person against whom such Writ or other proceeding shall be sued out, or taken, may be pleaded in bar thereof: and all costs incurred by any such defendant in resisting such Writ or proceeding shall be paid by the Creditor at whose suit the same shall have been sued forth or instituted.

III. If any Creditor of the said Bank, who shall not have executed the said agreement, shall sue out any Writ of *Scire Facias*, or take any other proceeding at law or in equity, on account of any debt or liability of the said Union Bank, against any person liable to make good the same or any part thereof; or if any Creditor of the said Bank, who shall have executed the said agreement, shall sue out any Writ of *Scire Facias*, or take any other proceeding at law or in equity, on account of any debt or liability of the said Union Bank, against any person liable to make good the same, or any part thereof, who shall not pay in the manner mentioned in the said agreement the full sum at which he or she is assessed in the said Schedule of Assessment, the said agreement shall not be pleadable to such Writ or proceeding, nor shall the contents thereof be received in evidence, in any Court of law or equity, in any proceeding had for the recovery of such debt or liability from any such person.

IV. Provided always, that nothing, hereinbefore contained, shall be construed to prevent any Writ of *Scire Facias*, which shall have been issued, or any action or suit which shall have been actually commenced against any Shareholder, before payment of his Assessment, from being prosecuted and continued afterwards, if the party instituting, such proceeding, chooses so to do.

V. Within one month after the passing of this Act, a copy of the said Schedule of Assessment signed by the said Thomas Charles Morton, Henry Burkinyoung, Jeremiah James Homfray, Prosunnocoomar Tagore, Charles Hogg, Henry Cowie, and Thomas Seddon Kelsall, shall be filed and enrolled among the Records of Office of the Record Keeper of the Supreme Court of Judicature at Fort William in Bengal; and the Schedule so filed shall be deemed the Schedule referred to by this Act, and by the said agreement, and shall be conclusive evidence of the amounts severally assessed against the persons named therein, according, to the true intent and meaning of this Act.

COPY OF AGREEMENT.

We, the undersigned, Creditors of the Union Bank of Calcutta hereby undertake and promise, upon payment by the Executive Committee of the said Union Bank of an immediate first dividend of twenty-five (25) per cent. upon our respective claims, to accept the Schedule hereunto annexed marked A, (which has been framed by a Committee of Creditors of the Bank) as the Schedule of Assessment or Contribution towards the liquidation of the debts of the said Bank, of the several Shareholders, past and present, therein named, and we promise and agree not to sue out any Writ of *Scire Facias* against, or otherwise to molest the person or property of any Shareholder or Shareholders of the said Union Bank, named in the said Schedule, who shall pay up the full sum placed opposite his or her name in the said Schedule, as and for his or her Assessment or Contribution as aforesaid. Provided, however, that nothing herein contained, shall be construed to protect any of the said parties from being proceeded against, unless and until he shall have actually paid his said Assessment in full, nor to prevent any Writ of *Scire Facias* which shall have been issued, or any action or suit which shall have been actually commenced against any shareholder, before payment of his Assessment from being prosecuted and continued afterwards if the party instituting such proceeding chooses so to do. Provided, further, that if any Shareholder in the said Schedule named, shall not have paid or given security to the Executive committee of the said Bank, certified by them to be sufficient, for the payment of his Assessment, within three months from this date, if he be resident in India, or

within five months, if resident out of India, the same shall be increased ten per cent. and that a further per-centage of the like amount shall be added after every succeeding period of three months, during which the same shall remain unpaid or unsecured. Provided also, that the said Executive Committee, of the said Bank, do engage to pay from time to time, such further dividends upon our respective claims, until full satisfaction thereof, respectively as the sums realized from the said Contribution shall enable them to do; and whenever the realization shall amount to ten per cent. upon the remaining claims, to declare and pay a new dividend at that rate. Provided always, and it is hereby expressly declared and agreed, that we, the undersigned, reserve to ourselves all our rights and remedies whatsoever, against the assets of the said Bank, legal and equitable and against all Shareholders, present and past, not paying up the full amount of their said Assessments, respectively, as aforesaid: In witness whereof we have hereunto set our respective hands, this Twenty-fifth day of September, in the year of Christ, one thousand eight hundred and forty-eight.

The 10th February 1849.

ACT No. IV. OF 1849.

An Act for the safe Custody of Criminal Lunatics.

Whereas it is expedient to declare what unsoundness of mind excuses the commission of criminal acts, and to provide for the safe custody of persons found to have committed such acts, but acquitted by reason of unsoundness of mind, It is enacted as follows:

I. No person, who does an act which, if done by a person of sound mind, is an offence, shall be acquitted of such offence for unsoundness of mind, unless the Court or Jury, as the case may be, in which according to the constitution of the Court, the power of conviction or acquittal is vested shall find that, by reason of unsoundness of mind, not wilfully caused by himself, he was unconscious, and incapable of knowing, at the time of doing the said act, that he was doing an act forbidden by the Law of the land

II. Whenever a person charged with any offence shall be acquitted, because he is within the exception made by the foregoing Section, the Court or Jury shall give a special judgment or verdict, that he did the act charged against him, being then of unsound mind, so as to excuse him according to law.

III. Whenever such special judgment or verdict, as aforesaid, shall have been given against any person, the Court, before which the trial was had, shall order him to be kept in safe custody, in such place and manner as to the Court shall seem fit, until the pleasure of the Government can be known thereon: and thereupon the Government may order such person to be kept in strict custody, for such time and in such manner as to the Government shall seem fit.

IV. In all cases in which, before the passing of this Act, any person has been acquitted of any offence, on the ground of insanity, lunacy, idiocy, or unsoundness of mind, such person may be kept in the same strict custody in which persons may be kept, who shall be hereafter acquitted, for unsoundness of mind.

V. No person, against whom any such special judgment or verdict shall have been given, shall be entitled to be discharged out of custody, on being restored to soundness of mind, unless by order and at the discretion of the Government.

VI. Whenever it shall appear to the Government that any person, imprisoned by the sentence of any Court, is of unsound mind, the Government by a warrant which shall set forth the grounds of belief that such prisoner is of unsound mind, may order the removal of such prisoner to a Lunatic Asylum, or other fit place of safe custody, there to be kept and treated as the Government shall order, and, when it shall appear to the Government that such prisoner has become of sound mind, the Government by a warrant directed to the person having charge of him, shall remand such prisoner to the prison from which he was removed, if then still liable to be kept in custody, or if not, shall order him to be discharged out of custody.

VII. The word 'Government' in this Act shall be taken to mean the Governor or Governor in Council, or other person or persons administering the Government of the Presidency or place where the trial is had.

The 10th February, 1849.

ACT No. VI. of 1849.

For securing Military and Naval Pension and Superannuation Allowances.

Whereas it is expedient to consolidate and extend the operation of the law, as to the exemption of Military and Naval Pensions and other Superannuation Allowances, from seizure under process of law, It is enacted as follows:

I. Regulation XII. 1814 of the Bengal Code, and Act XXXI. 1845 are repealed.

II. The reduced pay or pension, however called, of any Invalid Officer, Soldier, Sailor or Retainer of the Army or Navy in the Military or Naval Service of the East India Company, and also any monthly or yearly pension, or pecuniary allowance to any person, in consideration of past services and present infirmities or old age, granted by authority of the Governor General in Council, or of the Governor or Governor in Council or Lieutenant Governor, of any Presidency or Place within the territories under the Government of the East India Company, and also the pension of any Out-Pensioner of Chelsea or Greenwich Hospital, granted by authority of the Commissioners of Chelsea or Greenwich Hospital respectively, and also all money due, or to become due on account of any such pension or allowance shall be exempt from seizure, attachment or sequestration by process of any Court within the said territories, at the instance of a creditor, for any demand against the Pensioner, or in satisfaction of a decree, or order of any such Court.

III. All assignments, agreements, orders, sales and securities of every kind made by any such Pensioner, in respect of any money not payable at or before the making thereof, on account of any such pension, or for giving or assigning any future interest therein, are null and void.

IV. This Act shall not apply to any process of any Court, established by Royal Charter, issued out of such Court before the passing of this Act, or to any assignment, agreement, order, sale or security by any such Pensioner, made before the passing of this Act in respect of a Chelsea or Greenwich pension, or a pension or allowance granted in the Presidency of Madras, or before the 27th December 1845, in respect of a pension or allowance granted in the Presidency of Bombay, or before the 27th May 1814, in respect of a pension or allowance granted in the Presidency of Bengal.

The 17th March, 1849.

ACT No. VII. OF 1849.

An Act for the appointment of an Administrator General in Bengal.

Whereas it is expedient to disconnect the administration of the Estates of British Subjects dying intestate in the Presidency of Fort William in Bengal from the Office of Ecclesiastical Registrar of the Supreme Court, and to appoint an Administrator General there, It is enacted as follows:

I. Whenever, after the passing of this Act, any British Subject shall die intestate, within the Presidency of Fort William in Bengal, or the Territories which are or shall be subordinate to the said Presidency, and on the return of the citation issued from the proper Ecclesiastical Court, no next of Kin shall appear, and make out their claim to the Administration of the Effects of the deceased, to the satisfaction of the said Court, and also, whenever the Executor or Executors, appointed by the Will of any British Subject dying therein, shall refuse to prove the Will, the Administrator General created by this Act, shall, except in the case hereinafter excepted, apply for, and the said Court shall grant to him, instead of the Ecclesiastical Registrar, such Letters of Administration or *Ad Colligenda Bona* as to such Court shall seem meet; by virtue whereof the said Administrator General shall collect the assets of the deceased, and account for them as herein provided.

II. All Letters of Administration or *Ad Colligenda Bona*, granted to the Ecclesiastical Registrar of the Supreme Court,—and all Probates, granted to such Officer, of Wills, appointing the Ecclesiastical Registrar of the Supreme Court, by that description, or him and his successors, Executors, thereof,—and all Estates, Effects and Interests, vested in the said Ecclesiastical Registrar by virtue thereof; and all books, papers and documents belonging to him or in his possession, or under his control by virtue of such Letters or Probates, shall, by this Act, and without other grant, be transferred to the Administrator General by this Act created; who shall be, to all intents and purposes, such Administrator, Executor, or Grantee in his new character of Administrator General, as the Ecclesiastical Registrar of the Supreme Court was; and shall have all the same powers as the said Ecclesiastical Registrar might exercise at the time of the passing of this Act, as such Administrator, Executor or Grantee.

III. The Ecclesiastical Registrar at the time of the passing of this Act shall be the first Administrator General, and upon the passing of this Act shall cease to be Ecclesiastical Registrar; and as such Administrator General shall be entitled to receive

or retain all Commissions to which he was entitled as Ecclesiastical Registrar at the time of the passing of this Act, on any such grants as aforesaid.

IV. On all future vacancies of the Office, the Administrator General shall be appointed by the Governor General of India in Council.

V. After the passing of this Act, the Administrator General shall not be deemed, in that capacity, an Officer of the said Supreme Court, and shall not be otherwise accountable to it than any ordinary Executor, Administrator, or Grantee of Letters *Ad Colligenda Bona*, as the case may be.

VI. Every Administrator General shall give Security, by bond, to the East India Company, himself for One Lakh of Rupees, with two or more Sureties, jointly and severally, for another Lakh of Rupees, for the due execution of his said Office; and shall not be required by the said Supreme Court to enter into any Administration Bond, or to give other Security to that Court on the grant of any such Letters as aforesaid.

VII. The Administrator General shall receive,—for the discharge of his duties as such Administrator General, under all such grants of Letters as aforesaid made, after the passing of this Act, or on Probates of Wills, so granted, after the passing of this Act, wherein he is named Executor, by virtue of his Office,—instead of the Commission heretofore received by the Ecclesiastical Registrar, a Commission calculated after the rate of Three Rupees in every Hundred Rupees, which he shall actually distribute, or which he shall set apart and invest as herein provided, for the benefit of the parties ultimately entitled thereto, if the same are not immediately payable; and, out of the said Commission of Three Rupees in the Hundred, shall defray the expences of the necessary Establishment, and all other charges, to which the said Office may be subject.

VIII. No persons, other than the Administrator General, shall be entitled to charge any Commission or Agency, as Executor of any Will, of which Probate shall have been granted in the said Presidency after the passing of this Act, or as Administrator of any Effects whereof Administration shall have been granted in the said Presidency after the passing of this Act: but this enactment is not to be deemed to hinder any Executor from having the benefit of any legacy bequeathed to him, either of a specific sum or residuary bequest, or by way of Commission, or in any other manner.

IX. The Assets belonging to the Estates adminstered by the said Administrator General shall be kept by him in the Treasury of the East India Company, or otherwise kept and invested by him, in such manner as the Governor General of India in Council shall from time to time order; which order shall be published in the *Calcutta Gazette*, and shall be full authority, protection and indemnity in all Courts whatsoever for such keeping and investing.

X. The said Administrator General shall enter into books to be kept by him for that purpose, separate and distinct accounts of each Estate and of all such sums of money, Bonds and other Securities for money, Goods, Effects and things, as shall come to his hands or to the hands of any person employed by him, or in trust for him under this Act; and likewise of all payments made by him on account of the said Estates and of all debts due by or to the same, specifying the dates of such receipts and payments respectively, which said books shall be kept in the Administrator General's Office, and shall be open

for the inspection of all such persons, practitioners in the said Court and others, as may have occasion to inspect the same, at office hours; paying only such reasonable fee as may be from time to time fixed therefore by the Governor General of India in Council, and published in the *Calcutta Gazette*.

XI. The Administrator General shall twice in every year, that is, on the First day of March and on the Tenth day of August, or on the First day on which the said Court shall be sitting after those days, exhibit and deliver, in open Court a true Schedule, shewing the gross amount of all sums of money received or paid by him on account of each Estate in his charge, and the balances, during the period of six months ending severally on the Thirty-First day of December and Thirtieth day of June next before the day of delivering such Schedule, and a true list of all Bonds or other Securities received on account of each of the said Estates during the same period; and also a true Schedule of all Administrations whereof the final balances shall have been paid over to the persons entitled to the same, during the same period; specifying the amount of such balances, and the persons to whom paid; which Schedules shall be filed as record in the said Court, and shall, within fourteen days afterwards be published in the *Calcutta Gazette* by the said Administrator General; and copies thereof in triplicate shall be delivered to the Secretary of the said Presidency, and sent by the Governor of the said Presidency to the Court of Directors of the East India Company for publication in the *London Gazette*.

XII. The Governor General of India in Council shall from time to time appoint an Auditor or Auditors to examine the Accounts of the Administrator General at the time of the delivery of the said Schedules, and also at any other time when the Governor General of India in Council shall think fit.

XIII. The Auditor or Auditors shall examine the Schedules and accounts, and report to the said Governor General of India in Council whether they contain a full and true account of every thing which ought to be inserted therein, and whether the books by this Act directed to be kept by the Administrator General are duly and regularly kept, and whether the Assets are duly kept and invested in such manner as is by Law prescribed.

XIV. Every Auditor shall have power to summon as well the Administrator General as any other person or persons whose presence he may think necessary, to attend him from time to time; and to examine the Administrator General or other party or parties if he shall think fit on Oath or solemn affirmation to be by him administered; and to call for all Books, Papers and Documents which may appear to him to be necessary for the purposes of the said reference: and if the Administrator General or other person or persons when summoned, shall refuse or without reasonable cause neglect to attend, or to produce any Books, Papers or Documents required, or shall attend and refuse to be sworn or make a solemn affirmation when by Law an affirmation may be substituted for an Oath, or shall refuse to be examined, the Auditor or Auditors shall certify such neglect or refusal in writing to the Supreme Court of Judicature at Fort William in Bengal; and every person so refusing or neglecting shall thereupon be punishable, in like manner as if such refusal or neglect had been in contempt of the said Supreme Court.

XV. The costs and expenses of preparing and publishing the said Schedules and copies thereof and of every such reference and examination shall be defrayed propor-

tionably by all the Estates, the accounts of which are then under examination, which costs and proportions shall be ascertained and settled by the Auditor or Auditors, subject to the approval of the Governor General of India in Council, and shall be paid out of the said Estates, accordingly, by the Administrator General.

XVI. If upon any such reference and examination the Auditor or Auditors shall see reason to believe that the said Schedules do not contain a true and correct account of the matters therein, or which ought to be therein contained, he or they shall report accordingly, to the Governor General of India in Council, specifying the substance of the objections thereto.

XVII. The Governor General of India in Council shall refer every such report, as last aforesaid, to the consideration of the Advocate General of the East India Company in Bengal, who shall thereupon, if he shall think fit, proceed summarily, by petition, for an account against the said Administrator General, or against the late Administrator General, after his removal from Office, or against his personal representatives in case of his death, in respect of all or any of the Estates then or formerly under his care as the said Advocate General shall think fit; and shall have power to exhibit interrogatories to the said Administrator General or other person or persons defendants, who shall be bound to answer the same as fully as if the same had been contained in a Bill filed for the like purpose; and the Court shall have power, on any such petition filed, to examine orally the parties before it and all witnesses, or to refer the accounts to be taken in the ordinary way.

XVIII. The costs of the reference and examination, and those of the Advocate General, when such are directed to be paid, shall be defrayed either by the defendant or defendants, in case he or they shall be decreed to pay the costs, or out of the Estates rateably as the said Court shall direct; and whenever the costs of any reference and examination shall be recovered from the defendant or defendants, the same shall be repaid to the Estates by which the same were in the first instance contributed, and the Court shall have power to order the Administrator General, or other person or persons defendants to receive his or her costs out of the said Estates if it shall think fit.

XIX. The said Court shall have power on such petition to make such original and subsequent orders as upon a Bill filed; and such Orders shall have the same effect, and be executed in the same manner as Decretal Orders.

XX. Whenever any British subject shall die within the said Presidency intestate, and Letters of Administration to his or her Effects shall not be taken out for three months after the death, and the Administrator General shall be satisfied that such Effects do not exceed in the whole Five Hundred Rupees, he may, if he shall think fit, grant,—to any person claiming to be entitled to a principle share of the Effects of the deceased,—Certificates under his hand, entitling the claimant to receive the sums or securities for money therein severally mentioned belonging to the Effects of the deceased, to the value of any sum not exceeding in the whole Five Hundred Rupees.

XXI. The Administrator General shall not be bound to grant any such Certificate unless he is satisfied of the title of the claimant, and of the value of the Effects of deceased, either by the Oath or Affidavit of the claimant, or by such other evidence as he shall require.

XXII. Any such Certificate, with a receipt annexed, under the hand of the person to whom the Certificate is granted, shall be a full receipt and discharge for payment or delivery to him or her of the money or security for money therein mentioned, with respect to the claim of any other person upon the person paying or delivering the same: but any next of kin or representative or creditor of the deceased shall have remedy for recovery thereof against the person receiving the same.

XXIII. The Administrator General shall not be bound to take out Letters of Administration to the Effects of any deceased person on account of whose Estate he shall grant any such Certificate, but may do so, if he shall discover any fraud or misrepresentation made to him, or that the value of the Estate exceeded five Hundred Rupees.

XXIV. For every such Certificate the Administrator General shall be entitled to charge a fee calculated after the rate of Three Rupees in the Hundred on the amount mentioned in the Certificate.

XXV. Every person who, having been sworn, or having taken a solemn affirmation under this Act, shall wilfully give false testimony upon any examination authorized by this Act, shall be deemed guilty of perjury, and, if convicted thereof, shall be liable to fine and imprisonment, or to fine or imprisonment, which imprisonment may be at the discretion of the Court, with or without hard labor, and may extend to two years.

The 7th April, 1849.

ACT No. XIV. OF 1849.

To punish tampering with the Army or Navy.

Whereas the laws in force for punishing mutiny and sedition do not sufficiently provide for the punishment of all persons endeavouring to stir up mutiny and sedition among the Forces of the East India Company, or to seduce them from their allegiance and duty, It is enacted as follows:

I. Every person, who maliciously and advisedly endeavours to seduce any person or persons, serving or engaged to serve in the Military or Naval Forces of the East India Company, from his or their allegiance to Her Majesty, or duty to the said Company, or who endeavours to stir up any person or persons belonging to either of the said services, to commit any act of mutiny, or to make or endeavour to make any mutinous assembly, or to commit any traitorous or mutinous practice whatsoever, shall on conviction, suffer transportation for life, or imprisonment with or without hard labour for any term, not longer than seven years, as the Court shall adjudge.

II. Any person charged with any offence, punishable under this Act, may be committed by any Magistrate within the territories under the Government of the East India Company, and shall be tried by the Court of Sessions, or if the offender be not within the ordinary jurisdiction of the Court of Sessions, by the Supreme Court of Judicature established by Royal Charter within the Presidency in which he is in custody.

III. No Court shall on the trial of any offence under this Act require any Futwa from any Law Officer.

IV. This Act shall not exempt any person governed by the Articles of War from being tried by a Court Martial, and punished according to the Articles of War, nor any person belonging to the Indian Navy from being tried by a Court Martial, and punished according to the laws for the observance of discipline in the Indian Navy; but no person shall be tried for the same offence under the said Articles or Laws, and also under this Act.

The 25th August, 1849.

ORDERS OF THE GOVERNMENT,

NORTH WESTERN PROVINCES.

For 1849.

No. 121.

Notification,—General Department, Agra, the 31st January, 1840.

Rules for regulating the promotion and increase of Allowances of Sub-Assistant Surgeons, passed by the Hon'ble the President in Council, in the Home Department, on January 6th, 1849.

1. Students of the first Class of the Medical College of Bengal, in obtaining the Diploma of the College, shall, if they desire it, be admitted to the Public Services in the rank of Sub-Assistant Surgeon.

2. Sub-Assistant Surgeons shall be classed in three ranks, the third rank to be the lowest or Junior.

3. All Sub-Assistant Surgeons shall serve seven years in each of the two Junior ranks, excepting in those instances in which the merits of the individual as described in Rule 12, shall be considered to entitle him to promotion to a superior rank at an earlier period.

4. On obtaining the Diploma of the Medical College the Graduate will, by the orders of Government, be placed at the disposal of the Medical Board for employment in the Public Service, and from the date of the Government Orders, his rank of Sub-Assistant Surgeon of the 3rd rank shall be held to commence, but he will not be considered as having claim to his salary as such, (that is, at the rate of 100 Rupees per month,) until he has actually joined the Station to which he may be appointed and entered on the duties assigned to him.

5. The following shall be the scale of Allowances for each rank:—

Under seven years' service, ...	Co.'s Rs. 100.
Seven years and under fourteen, ...	Co.'s Rs. 150.
Fourteen years and upwards, ...	Co.'s Rs. 200.

6. Sub-Assistant Surgeons on completing each of those septennial periods, shall appear before a Committee composed of three Medical Officers for examination, as to

their continued proficiency in the practical branches of their profession, viz., Practice of Medicine, Surgery and Midwifery, as to their acquaintance with its past and current literature, and with the later improvements or discoveries on all points connected with their duties.

7. The Sub-Assistant Surgeon on completing his septennial period shall report the same to the Superintending Surgeon of the Division in which he may be serving, who will obtain the orders of the Officer Commanding the Station itself, or the one nearest to it, where three resident Medical Officers may be available, for the assembly of the above Committee, the Superintending Surgeon himself serving on the Committee at Stations where, as at Dacca for example, the number of Medical Officers present may be insufficient without him.

8. The Committee will forward their Report to the Superintending Surgeon of the Division for transmission to the Medical Board, whose duty it will be to submit it for the orders of Government.

9. Should the Report of the Committee be favorable, the promotion of the Sub-Assistant Surgeon will be notified in Government Orders, and he will receive the salary of his new rank from the day succeeding the date on which he may have completed his last septennial period.

10. Should the Report of the Committee on the other hand be unfavorable, the Sub-Assistant Surgeon will continue in the lower rank, and on its allowances, for the period for which the Committee may deem fit to remand him to his studies, and to the more diligent discharge of his duties.

11. Should the Sub-Assistant Surgeon still fail at the close of that probationary period, to afford to the examining Committee satisfactory proof of proficiency and diligence, his case will be submitted in the manner prescribed in Rule 8 for the consideration and orders of Government as to his removal, or otherwise, from the rank of Sub-Assistant Surgeon, or from the Public Service.

12. Mere seniority will in no instance constitute in itself a claim to promotion, and it is distinctly to be understood that high attainments "whether the result of eminent talent or of laborious industry" persevered in for a reasonable time, will give such claim at any time intermediate to the septennial periods, and the Medical Officer under whom a Sub-Assistant Surgeon may be serving or the Superintending Surgeon himself, in case the Sub-Assistant Surgeon may be holding an independent charge, shall consider it to be his duty to bring every instance of distinguished merit under the notice of the Medical Board, accompanied by a statement of the particular circumstances which he may consider as entitling the individual to early promotion, to enable them to judge of the expediency or otherwise of recommending the case to the favorable consideration of Government.

As these Rules will provide for the gradual promotion of Sub-Assistant Surgeons, they will supersede the Resolution of Government of the 6th March, 1846. Under which an extra allowance of Rs. 50 per mensem has hitherto been passed to that Class of Officers when placed in sole charge of the Medical duties of a Civil Station: present incumbents of that allowance, however, if not entitled to immediate promotion to the

2nd rank, shall be permitted to draw the extra allowance while they continue to hold an independent charge or until promotion.

By orders of the Hon'ble Court of Directors, Financial Department, dated April 4th, 1848, Sub-Assistant Surgeons are declared not to be entitled to pensions from Government.

CIRCULAR, No. 2600 of 1849.

FROM J. THORNTON, Esq.,

Secretary to Government, N. W. P.

TO COMMISSIONERS OF THE DELHI, MEERUT, ROHILKUND, ALLAHABAD, AND BENARES DIVISIONS.

Dated Head Quarters, the 9th August, 1849.

JUDICIAL DEPARTMENT.

I am directed by the Hon'ble the Lieutenant Governor to request your attention to the proclamations which may have been issued by the Magistrates of your Division under the provisions of Regulations III. of 1804, IX. of 1808, or any other enactment, with regard to persons suspected or accused of criminal offences. His Honor sees reason to apprehend that proclamations of this nature may at times have been issued on insufficient grounds; that is, without the existence of such proof against the party named in them as involved a strong presumption of his guilt. There is therefore some cause for fear lest an innocent man should have been occasionally thus proscribed and perhaps driven to desperate courses; the terror of the proclamation itself preventing his coming forward to clear his character.

2. You are therefore requested to caution the Magistrates, who are under your control, upon this head, and to take opportunities from time to time of examining and revising in communication with them the lists of proclaimed offenders in each District; striking out those persons against whom a sufficiency of proof does not exist to warrant the continuance of their names on the Register, and making provision that this annulment of the proclamation against them be made known to themselves and their friends as well as to the Police.

No. 210

Notification,—Financial Department, the 6th February, 1849.

In publishing the following Resolution of the Government of India, for general information, the Hon'ble the Lieutenant Governor is pleased to direct that in all future applications for Pensions in the Civil Department, the applicants appear before an Invaliding Committee, and obtain from them a Medical Certificate. When this may not be practicable, the Officer recommending the grant of the Pension will state the circumstances which prevent the observance of the Rule, in order that the propriety of dispensing with it may be taken into consideration.

Resolution passed by the Hon'ble the President in Council in the Financial Department, under date the 30th December, 1848.

It has been brought to the notice of Government, that cases may arise in which the Certificate of a single Medical Officer cannot be held to be conclusive, and His Honor in Council is pleased accordingly to determine, with a view to check the existing practice in the Civil Department of Government, of granting Pensions upon the Certificate of a single Medical Officer, that in all applications for Civil Pensions under those Regulations, whether to the Government of India or to the Local Governments, it shall be optional with those Governments to require that the applicants shall appear either before the Medical Boards at the respective Presidencies or before a Military Invaliding Committee, whenever the Station or District in which the applicant for Pension may be serving at the time of application shall be within a moderate distance of a Station at which a Military Invaliding Committee is periodically assembled.

With regard to applicants who are resident at an inconvenient distance from any Military Station where an Invaliding Committee is periodically assembled, the President in Council is pleased to resolve that the several Governments shall be empowered, whenever occasion may require it, to assemble at any conveniently situated Civil Station a special Invaliding Committee, by deputing from neighbouring districts such number of Medical Officers as may be required in order to make up a Committee of at least three Officers at the Station which may be selected for the purpose.

It is to be understood, however, that it shall be discretional with the several Governments to accept the Certificate of a single Medical Officer in cases in which they shall see fit to do so.

No. 793.

Notification,—Judicial and Revenue Department, the 25th November, 1841.

The Hon'ble the Lieutenant Governor North Western Provinces, is pleased to direct, that all Officers in Civil employ, on delivering over, or receiving charge of an Office, shall certify that the copies of Regulations, Acts, Gazettes, Books of Construction, printed Circulars, and other works furnished by Government for the use of the Office, are in good order and complete.

Officers will be held responsible that works, the property of Government, are delivered over to their successors in the same state in which they were received, and according to the receipt granted by them on receiving charge of the Office.

A detailed Catalogue of the works in Office is to be given, and a receipt taken on delivering over and receiving charge of Offices; and the observance of this rule is to be distinctly notified in the report to Government, of the Officer receiving charge of the Office.

No. 1386 of 1849.

Notification,—Separate, Revenue Department, the 19th April, 1849.

With the sanction of the Hon'ble the President in Council, the Hon'ble the Lieutenant Governor is pleased to notify for general information, that from April 1st 1849, the special duty leviable under Section 2, Act XIV. of 1843, upon Salt passing from the North Western Provinces, to the Eastward of Allahabad shall be reduced from 12 annas to 8 annas per maund.

Any duty in excess of 8 annas on the Allahabad line paid after the 1st of April 1849, previous to the publication of this Notification will be refunded to applicants by the Customs Officer at Allahabad.

No alteration of the Total duty of Rupees 2-8 leviable on Salt passing to the Eastward of Allahabad will take place before the 1st April, 1854.

No reduction of the duty of Rupees 2 per maund at present levied on Salt passing North Western Frontier Line will take place without six months' previous notice.

This Notification is to be understood as superseding the Notification, dated 12th October, 1847.

No. 1638 OF 1849.

Notification,—Judicial Department, the 5th May, 1849.

Circular to Commissioners of Police in the North Western Provinces.

The attention of the Government has been lately drawn to the losses suffered by the Mercantile Community in consequence of the wreck or burning of boats laden with merchandize. Apprehensions exist that these are often occasioned either by the misconduct of the boatmen, or by the capacity of the inhabitants along the river banks, who thus endeavour to conceal the crime of which they have been guilty.

2nd. You are therefore requested to call upon the Magistrates in your Division to exercise the greatest vigilance on such occasions. Enquiry must always be made into the cause of such events, and a report furnished by the Police Darogah to the Magistrate.

3rd. Whenever on the complaint of the Churundar or Officer in charge of the boat on the part of the owners of the Cargo, or from any other sufficient cause there be reason to suppose that the loss or destruction of the boat is owing to the wilful misconduct of the boatmen or the violence of lawless depredators, a searching enquiry should be made into the circumstances, and the suspected persons should be arrested and dealt with as the law directs. Every means must also be taken for the preservation of the goods which are saved from the boat. For this purpose the Churundar should not be unnecessarily interfered with, but he must be supported and protected in the discharge of his duty. If there be not present any Churundar or person empowered to act for the owners, the Police must themselves take charge of the goods.

4th. In order the better to enable the owners of goods to keep a check on their Agents, and to inform themselves of the real cause of the losses they may sustain, they will be invited whenever they hear of the loss of a boat, to address to the Magistrate, post-paid, a communication either in English or Ordoo in the form attached to this letter. The Magistrate to whom it is addressed will cause a brief Extract to be drawn up in his Office, explaining in Oordoo the circumstances of the case, so far as they can be ascertained, and will forward it for the information of the owner through the Magistrate of the district in which he may reside.

5th. You will be careful to see that these instructions are followed, and you will especially notice cases of this nature in your Annual Report.

6th. You will also enjoin on the Magistrates the necessity for using every precaution that the vigilance which will now be exercised for the repression of wrong be not be made the means of petty extortion from well-conducted and unoffending travellers or traders.

FORM OF APPLICATION TO MAGISTRATES.

To the Magistrate of

SIR,

I have the honor to inform you that I have received information of the loss of Goods, despatched from hence by boat as by the annexed Memorandum—with reference to the Government Notification of . I shall feel obliged by such information regarding the causes and extent of the loss as you may be able to afford me.

I remain,

Your obedient Servant.

(Full name legibly written, and address.)

Description and size of Boat.	Name and residence of Chaunndar.	Name and residence of Manjee.	Description of Cargo.	Where said to have been lost.	How supposed to have been lost.	REMARKS.
						Here may be entered any suspicious circumstances that may be known regarding the loss.

نمونہ یادداشت کا جو صاحب کلکٹر کے پاس گذرانني چاهيئے

جو مال میرا یہاں سے نقشہ مشمولہ هذا کے مطابق بہ بار برداري کشتي کے روانہ هوا تها اُسکي نسبت میں آپکي خدمت میں اطلاع کرتا هوں که مجھے اُسکے نقصان اور برباد هونے کي خبر پائي هی لهذا اشتہار گورنمنٹ مصدورہ تاریخ کے بموجب اگر آپ مجھ حتي‌الوسع باعث نقصان اور تعداد نقصان سے اطلاع فرماویں تو میں آپ کا مرهون منت هونگا *

دستخط فلان یہاں راقم یادداشت کا پورا نام معه لقب بخط صاف چاهيئے *

کشتي کا مقدار عرض و طول و کیفیت	چوڑیدار کا نام اور جائے سکونت	مانجهي کا نام اور جائے سکونت	تصریح مال مشمولہ کشتي	مال مشمولہ کشتي کے کس مقام پر نقصان هونے کي خبر پائي	مال مشمولہ کشتي کے کسطرح سے نقصان هونے کي خبر پائي	کیفیت
						مال مشمولہ کشتي کے نقصان اور برباد هونے کي نسبت جو کچهہ شبهہ کسي پر هو وہ یہاں لکهنا چاهيئے *

(True Translation) R. THORNTON,
Asst. Secy. to Govt., N. W. P.

CIRCULAR, No. 568.

TO THE COMMISSIONERS, COLLECTORS AND MAGISTRATES IN THE N. W. P.

Dated Head Quarters, the 22nd May, 1849.

GENERAL DEPARTMENT.

In forwarding for the use of your Office the accompanying Copy of a Statistical Memoir, compiled and published under the orders of the Government, I am desired to draw your attention to the 135th and following paras. as indicating the use to be made of it by yourself.

2nd. The information contained in the Memoir is less correct than is desired, but it is hoped that by the sustained aud combined efforts of local Officers greater accuracy may, hereafter, be attained.

3rd. The entries which most require revision are those in Columns 3, 9, giving the area, and those in Columns 19, 23, shewing the population of each District.

4th. You will be able to ascertain from the remarks in the Memoir regarding the District with which you are connected and the records of your Office on which they are founded, the precise materials from which the returns were compiled. It is desirable that you immediately address yourself to the formation of an opinion regarding the accuracy and the trustworthiness of those materials.

5th. The examination of the area Columns may be entered on at once. They give the aggregate of many Village surveys. They will be accurate if they exhibit a correct total of the returns regarding every Village and tract of land, in each subdivision of the District. Errors may, perhaps, have arisen from the omission of khalisah, or rent-free Mouzahs, or of lands excluded from survey and settlement as not being within the limits of a Mouzah, as for instance the sites of large cities, lakes, or waste, or jungle tracts.

The alteration of the limits of a Pergunnah or District may have caused a Mouzah to be omitted from both calculations, or to be twice enumerated. All these errors affect the total area, and are capable of correction at any time.

6th. The cultivated area is liable to constant variation, if the Putwarry papers are trustworthy they should shew its extent in any given year. The degree in which these papers can be relied on should engage your attention.

7th. The Lakheraj land will diminish in extent as life-holdings lapse. Means should be devised for quickly shewing the extent of Lakheraj land in the District whenever it is required.

8th. The Columns which shew the culturable area and the barren waste will always be open to much doubt. Not unfrequently land which has been entered at the time of the survey as barren waste will be found to have been subsequently brought under cultivation. Your own experience will suggest to you whether the entries in these Columns need re-adjustment.

9th. The population Columns are those to which most doubt attaches, and where correction will be more required. The totals are sometimes avowedly incorrect and the most cursory examination of the revised table and comparison of the entries regarding contiguous, or similarly circumstanced Districts, will point to the probable existence of many errors. It is to be apprehended that the distribution of the total under the subordinate heads of agricultural and non-agricultural is far from correct. The distinction between the two classes is clearly defined in page 8, (para. 15,) and in page 15 (para. 4), and admits of no doubt in its application to individual cases.

10th. It is not intended that any new general Census of the Country should take place at present. A translation of this Memoir into Oordoo is now in the Press, and will shortly be published. It is desirable that this be, for sometime, in the hands of the Native Civil Officers of Government and the Gentry at large before an attempt is made to form a new Census. It is hoped that the people will thus become familiar with the process, and will be induced to appreciate the objects to which it may lead.

11th. It is, however, to be much desired that you should from time to time, as favorable opportunities occur, make experiment of the mode of forming a Census which is proposed for adoption in page 173 to 176. Your Native Officers will thus become expert in the operation, and the people familiarized with it, whilst improvements in the mode of effecting the purpose will probably suggest themselves to you. Great care, however, will be necessary that it be not made the means of harassing, or alarming the people.

12th. The enumeration of the large towns and of their population, which has been appended to the notice of each District, is probably very incorrect. This may in some measure arise from the difficulty of fixing the limits of a town. Often also the name of a town does not appear in the list of Mouzahs, as is pointed out in page 176, para. 144.

13th. Any remarks you may feel disposed to offer regarding the Statistics of your own District, or any corrections you may make in the area or population Columns will be thankfully received, and will meet with careful consideration. They may be addressed direct to the Secretary to the Government at Agra, a copy being sent to the Commissioner of the Division.

CIRCULAR ORDERS

OF THE

SUDDER DEWANNY ADAWLUT,

NORTH WESTERN PROVINCES,

FOR 1849.

No. 56 OF 1849.

To the Civil Authorities in the North Western Provinces.

The Court, concurring in the following Summary Decision of the Sudder Dewanny Adawlut, Lower Provinces, as reported at page 89 of the Printed Decisions on Summary Cases for 1847, are pleased to republish the same in a form which shall make it accessible to all the Civil Authorities in these Provinces, and to direct the observance of the rule which is thereby determined, viz., that applications on the part of Government to recover the stamp duties incurred in pauper suits may be made on plain paper.

GOVERNMENT PETITIONER.

"This was an appeal from an order of the Principal Sudder Ameen of Zillah "Tirhoot. The following Extract from a Minute laid by the deciding Judge Mr. Reid, "before the Court at large explains the point of practice ruled.

"A question has arisen on the appeal of Government against an order of the "Principal Sudder Ameen of Tirhoot, requiring the Government pleader to file petitions "on the part of Government to recover the stamp duties incurred in pauper suits "on stampt paper, whether any stamp is necessary on such occasions?

"As this is an application on the part of Government, not in its capacity of a "party to the suit, but in that of the ruling power, who merely claims what it has "advanced, (for the allowing paupers to put in petitions, otherwise chargeable with "stamp, on plain paper may be considered to be an advance of the value of the stamp, "to give the pauper facility of realizing his claim) I think that, under a liberal construc- "tion of the Law, the application may be received on plain paper. If the Government

" pleader is forced to petition on stamp, the debt of the pauper is only increased there-
" by, for the amount must be charged against him as part of the costs of realizing the
" amount due. When the Government is itself a party to the suit, I think that its
" applications of every description, with the exception of those for the recovery of stamp
" duty, should of course be on stampt paper as hitherto.

" The Court at large concurred with Mr. Reid."

Agra, the 13th January, 1849.

No. 58 of 1849.

To the Civil Judges in the North Western Provinces.

Doubts having arisen as to the *interlocutory orders* in Civil suits which are summarily appealable under the Law, the Court publish the following Lists, the one shewing what orders of the nature above specified may be appealed summarily, and the other the Courts to which such appeals will lie.

2nd. A summary appeal will lie,—

First.—From the *interlocutory order* of a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, in regard to the objections preferred by a defendant to the plaintiffs' valuation of his suit.

Second.—From an *interlocutory order* passed by a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, agreeably to the sanction given by Article 8, Schedule B., Regulation X. of 1829, and Construction No. 1046.

Third.—From an *interlocutory order* passed by a Principal Sudder Ameen, regarding security under Regulation II. of 1806, agreeably to the sanction given by Construction No. 963.

Fourth.—From the *interlocutory orders* of Sudder Ameens and Moonsiffs regarding security and fine under Section 4, Act VI. of 1843.

This Court have held that there is no other *interlocutory order* in a Civil suit which is summarily appealable agreeably to Law: there is no appeal from any *interlocutory order*, passed by any Court, connected with the investigation of a suit, or with the final decision thereon, except from an order in regard to the valuation of the suit. The provisions of Regulation IX. of 1831, and Act VII. of 1838, meet the case of deficient investigation, and Section 2, Act VI. of 1843 points out the proper appellate tribunal in certain cases, but does not extend the class of appealable cases.

3rd. The following is intended to indicate the Courts empowered to receive summary appeals from the interlocutory orders which have been declared above to be open to such an appeal.

Firstly.—An appeal from appealable interlocutory orders passed by the Zillah Judge lies to the Sudder Dewanny Adawlut.

Secondly.—An appeal from similar orders in suits above Rupees 5,000 in the Court of the Principal Sudder Ameen lies to the Sudder Dewanny Adawlut.

Thirdly.—In suits below Rupees 5,000 in the Principal Sudder Ameen's Court the appeal lies to the Zillah Judge, and his order thereon is final.

Fourthly.—An appeal from all appealable interlocutory orders passed by a Sudder Ameen or Moonsiff lies to the Zillah Judge, whose order thereon is final.

4th. The Civil Judges are requested to take notice that the appeals above described are those which are intended to be entered under heading 3 of the Monthly and Annual Statement No. 2.

5th. The Court desire me to add that the words "a *supplementary* plaint," occurring in Construction No. 1846, are erroneously used, and that the words "a duplicate of the plaint" should be substituted.

Agra, the 13th January, 1849.

No. 271 OF 1849.

To the Civil Judges in the North Western Provinces.

The Court are pleased to publish an Extract (Paragraph 27) from the report of the Judge of Mooradabad on the Administration of Civil Justice during the past year, and to direct that the rules prescribed by that Officer for the conduct of sales in execution of decrees by the Ameens employed in the Mooradabad district be forthwith introduced in all the districts under the Court's control.

Agra, the 13th March, 1849.

Extract (Paragraph 27) from the Report of the Judge of Mooradabad on the Administration of Civil Justice during the year 1848.

Para. 27. Several instances of property of considerable value having been sold by the Ameens in satisfaction of decrees for a small sum of money were brought to my notice during the year, and I found, upon enquiry, that several separate articles were some times sold in one lot although there existed no connection between them, and, further, that the Ameens sold the property, if lotted at all, in any order which suited their convenience: with the view of checking this arbitrary mode of proceeding, I have directed the Ameens to lot separately all articles which are separate in themselves, and have no natural connection with each other, to affix to each lot a number, and to sell the lots in the order in which they stand in the list of property attached, unless there should be some sufficient reason to the contrary, in which case, they are to record the reason in their statement of orders executed, and report the same, separately, to the Court whose orders he was executing at the time. Before issuing this order, I consulted all the subordinate Courts of this Zillah, and my proceeding was drawn up after an inspection of, and with reference to, their replies.

No. 501 of 1849.

To the Civil Authorities in the North Western Provinces.

The Judicial Officers in the North Western Provinces will be pleased to take notice that the Persian Translation of Section 11, Regulation II. of 1806, is erroneous, in that it does not require that the "Statement" therein alluded to shall be delivered "on oath:"—the several Judicial Officers are requested to make good the omission in the copies supplied for the use of their Courts.

Agra, the 3rd May, 1849.

No. 597 of 1849.

To the Civil Authorities in the North Western Provinces.

The Court notify that Circular Order, Sudder Dewanny Adawlut, No. 24, dated 31st December, 1830, prohibiting the Sudder Ameens from appointing their own connections to situations on their own Establishments, and desiring the Judges to require from them a Certificate that their nominee is not disqualified under that prohibition, is hereby extended to the Moonsiffs, from whom similar Certificates are hereafter to be required, whenever a vacant situation on their Establishments has to be filled up.

Agra, the 15th May, 1849.

No. 607 of 1849.

To the Civil Judges in the North Western Provinces.

It has been the frequent practice of the Court to embody in their English judgments the decision recorded in English by the Judge from whose judgment the appeal may have been preferred, and in the Vernacular Version of the Court's "judgments," which are printed and circulated for the assistance of the Native Judges, it is necessary that the Oordoo Version of the Zillah Decisions should be incorporated. This latter Version has been frequently found to convey a very imperfect idea of the original, sometimes to pervert its sense, and sometimes to be, from incorrectness of phraseology and idiom, almost unintelligible.

2nd. The Court hesitate to permit the translator of the Court to amend what may appear to him errors of expression, or mistakes in the rendering of the original, thinking that he may very probably attach a sense to the English Version which it was not intended to convey, and thus lead to a misapprehension of the purpose and point of the decisions passed both by the Lower Court and the Court of Sudder Dewanny Adawlut.

3rd. I am desired, therefore, to notify to you that, hereafter, whenever the English Decision of a Zillah Court may be embodied in a judgment of this Court, the Vernacular Version of the former will be incorporated literally, whether right or wrong, intelligible or unintelligible, in the Oordoo Translation of the latter. The Court take this opportunity of remarking that, as the Vernacular Version of the Zillah Court's Decisions is the only record by which litigants and the Judges of the Lower Courts are to be guided in their subsequent proceedings, the preparation thereof in accurate and simple diction is by no means an unimportant duty, and that it behoves every Zillah Judge, who has a due regard for his judicial character, and desires to have his opinions properly represented, to give a careful attention to this part of his business.

Agra, the 21st May, 1849.

No. 610 OF 1849.

To the Civil Authorities in the North Western Provinces.

It has been represented to the Court that the Rule of paragraph 4, Circular Order, No. 146, dated the 15th May, 1835, which requires the Books called the "Buheeyaddasht," when completed and filled up, to be deposited by all the Judicial Authorities subordinate to the Zillah Judge in the Record Office of the district, has given rise to considerable inconvenience in removing from the Courts to which they belong useful books of reference, and that a similar direction, contained in Circular Order, No. 652, dated 11th, and published in the *Agra Government Gazette*, dated 29th April, 1845, has had the like effect. The Court are pleased, accordingly, in modification of paragraph 4, Circular Order, Sudder Dewanny Adawlut, dated 15th May 1835, and paragraph 2, Circular Order, No. 652, dated 11th April 1845, to direct that the Uncovenanted Judges shall hereafter retain in their own possession the books above referred to for three years; at the end of each year, however, the Officers in question shall transmit the said books to the Judge's Office for inspection and examination, and it shall be the duty of the Judge, before returning them to the Lower Courts, to certify in each book, under his seal and signature, that he has duly examined it, and has found it *(exceptis excipiendes)* to have been regularly and correctly kept up. The Judges will be careful to take proper notice of any apparent carelessness, or want of method, in the preparation of the Books in question.

Agra, the 21st May, 1849.

No. 651 OF 1849.

To the Civil Judges in the North Western Provinces.

The Court are pleased to publish Extract (paragraph 20,) from the report of the Judge of Bareilly on the Administration of Civil Justice for the past year, and to direct that all the Civil Judges will cause similar Registers of proclamations,

relative to the Sale of Property in execution of decree or otherwise, to be opened, and observe, in all respects, the practice described by Mr. S. Fraser in the Extract annexed.

Agra, the 28th May, 1849.

Extract, paragraph 20, *from the Report of the Judge of Bareilly on the Administration of Civil Justice for* 1848, *No.* 24, *dated* 14*th May*, 1849.

Para. 20. One of these is connected with the proclamations which issue from and through the Courts. These frequently refer to valuable properties, and it is of importance that precautions should be taken not only to secure their publication, but their continuance, before the public, to the expiration of the period specified in the body of the notice. At present, here, and, I believe, elsewhere, generally, all proclamations are suspended together without arrangement: parties referring to them must search the whole file before they can ascertain what opportunities are afforded for the investment of capital, or, if they are making search for a particular notice, may at last find that it is not forthcoming. A gust of wind may have swept it away, or an interested party surreptitiously removed it. There has been no practical check upon such accidents heretofore, and, sometimes, it is even difficult to ascertain, satisfactorily, whether the notice has been duly published. I have endeavoured to provide for the difficulty by directing the Nazir to open a Register of proclamations, to be arranged according to the dates of receipts. The notices for publication are to be filed, separately, for each Moonsiffee, with reference to the locality of the property attached; a wooden Tablet, about 18 inches by 12, faced with paper, being attached to each file; upon this is to be entered an Extract from the Nazir's Register, giving an abstract of the proclamation, and a fresh list of unexpired proclamations is to be made out on the 1st of each month, and affixed to the Tablet; the entries for fresh proclamations received during the month, being added, on these being published. A person wishing to know what property is in the market, or to see any particular proclamation, has, here, the means of easy reference, and should a notice be missing from the file, he can always obtain the information sought for from the Nazir's Register. The entry on the Tablet would be evidence in support of the fact of publication. A specimen both of the proposed Register and entry on the Tablet accompany.

رقومات کہ تختہ پر لکھا جاتا ہی

تاریخ آویزانی	شی نیلامی	کسکی حقیت	کس محکمہ کے حکم سے نیلام ہوتا ہی	کس امر مدّعے	تاریخ نیلام	نمبر شمار
۲۵ اپریل سنہ ۱۸۴۹ ع	زمینداری کودھی پرگنہ کوٹ	بلند سنگھہ زمیندار	صاحب کلکٹر بدایون	باقی مالگذاری	۲۰ مئی سنہ ۱۸۴۹ ع	۱
۲۰ جون سنہ ۱۸۴۸ ع	پانچویں پٹی رنگ سفید موضع ہارپیلو پرگنہ مہرآباد	دھن سکھہ ومیر سکھہ مدعا علیہما	منصف تلہر	ڈگری درگا پرشاد مدعی	۲۰ جولائی سنہ ۱۸۴۸ ع	۲
۱۱ مئی سنہ ۱۸۴۹ ع	حویلی خام واقع موضع اوسانو پرگنہ اوسط وغلہ ومویشی ولانک گندم	اودھو سنگھہ مدعا علیہ	منصف سلیم پور	ڈگری بالکشن مدعی	۷ جون سنہ ۱۸۴۹ ع	۳

بہی رجسٹری اشتہار نامجات موصولہ و مشتہرہ محکمہ صاحب جج ضلع بریلی

نمبر شمار	تاریخ وصول اشتہار بقید نام محکمہ جسے آیا	ایضا	شی نیلامی	کس محکمہ کے حکم سے	کس امر مدّعے	تاریخ نیلام	تاریخ رپورٹ ناظر درباب آویزانی بعد تکمیل
	۲۵ اپریل سنہ ۱۸۴۹ ع کلکٹری بدایون	۲۵ اپریل سنہ ۱۸۴۹ ع	زمینداری کودسی پرگنہ کوٹ	صاحب کلکٹر بدایون	باقی مالگذاری	۲۰ مئی سنہ ۱۸۴۹ ع	۲۵ اپریل سنہ ۱۸۴۹ ع
۲۰۱	۲۰ جون سنہ ۱۸۴۸ ع کلکٹری شاہجہانپور	ایضا	پانچویں پٹی رنگ سفید موضع ہارپیلو پرگنہ مہرآباد کے	منصف تلہر	ڈگری درگا پرشاد مدعی	۲۰ جولائی سنہ ۱۸۴۸ ع	۲۰ جون سنہ ۱۸۴۸ ع
۳	۱۱ مئی سنہ ۱۸۴۹ ع منصفی سلیم پور	ایضا	حویلی خام واقع موضع اسانو پرگنہ اوسط غلہ ومویشی	منصف سلیم پور	ڈگری بالکشن مدعی	۷ جون سنہ ۱۸۴۹ ع	۱۱ مئی سنہ ۱۸۴۹ ع

No. 843 of 1849.

To the Civil Authorities in the North Western Provinces.

The Court of Sudder Dewanny Adawlut, for the North Western Provinces, having reconsidered the 2nd paragraph of Circular Order, No. 31, dated 26th November, 1847, are pleased to rescind the same, and notify rescission accordingly.

Agra, the 27th June, 1849.

No. 1006 of 1849.

To the several Civil Authorities in the North Western Provinces.

Some instances of extreme carelessness in writing the prescribed endorsement on Decrees of the Civil Courts having been lately brought to notice, the Court are pleased to call the particular attention of all the Civil Judicial Authorities to the directions contained in the 12th paragraph of Circular Order, Sudder Dewanny Adawlut, No. 4, dated 12th February, 1847, by which the several dates occurring in the endorsement are required to be entered "*not only in figures, but in words at length, and not only on the copies delivered to the parties,* but on the *original decree,* which is intended to be kept with the record of the case." The Court will take serious notice of any, the smallest, departure from the strict letter of this rule.

Agra, the 30th July, 1849.

No. 1029 of 1849.

To the Civil Judges in the North Western Provinces.

The Court, observing that enquiries under Act IX. of 1839 are frequently protracted by the practice, very generally prevalent, of summoning the adverse party to shew cause against the admission of the pauper to institute his proposed suit, bring to the notice of the Judges that Act IX. of 1839 contemplates simply a summary and *ex parte* investigation, the assertion, namely, of a "probable cause" for the institution of a suit, to be maintained and established by the pauper petitioner, without any option given to the adverse party to controvert that assertion. The terms of the law require that the Judge shall be satisfied "by the examination of petitioner, or of his or her witnesses," that there is "probable" cause for instituting the proposed action, that it is not altogether unfounded, and, being satisfied of this on the petitioner's own shewing, he is bound to grant the application; had it been the intention of the Legislature to confer upon a Judge the discretionary power of giving notice to the adverse party, or to concede to such party the option of coming voluntarily into Court to oppose the petition, that intention would, the Court conceive, have been expressly declared, as in Clause 6, Section 5, Regulation XXVIII. of 1814, which, under certain specified

circumstances, gives permission to the adverse party "to shew cause why the plaintiff should not be allowed to sue as a pauper."

2nd. The Judges are requested, accordingly, to relinquish the practice in question, and to adhere closely to the terms of the law.

Agra, the 30th July, 1849.

No. 1037 OF 1849.

To the Civil Authorities in the North Western Provinces.

The Civil Authorities are requested to take notice that there is an error in the translation of the Certificate, the use of which is prescribed by Circular Order, No. 408, dated 1st March, and printed in the *Agra Government Gazette,* dated 22nd idem. For the word "Khureed," occurring twice in the course of the translation, the term "Khureed our furokht kurna" should have been employed.

Agra, the 4th August, 1849.

No. 1096 OF 1849.

To the Civil Authorities in the North Western Provinces.

In compliance with the wish expressed by the Government, North Western Provinces, the Court of Sudder Dewanny Adawlut, North Western Provinces, hereby make known their opinion, that, as the pay of a Sepoy is exempted, by Construction No. 1175, from attachment in liquidation of the amount of a decree against him, so also the amount of a Sepoy's Family Remittance Bill, which must be regarded as a portion of his pay, is similarly exempted.

Agra, the 20th August, 1849.

No. 1279 OF 1849.

To the Civil and Sessions Judges in the North Western Provinces.

The Government having brought to the notice of the Court that the rule contained in the Circular Orders, Sudder Dewanny Adawlut, No. 25, dated 4th January 1811, and No. 177, dated 22nd July 1836, which requires Civil and Sessions Judges to submit with their applications for leave of absence a statement of the business pending before them, is generally neglected, the Court call the attention of the Judges to it, and direct its observances on all future occasions.

Agra, the 21st September, 1849.

No. 1468.

To the Civil Authorities in the North Western Provinces and the Commissioner of Kumaon.

It appearing that an erroneous practice obtains in some Districts in regard to the execution of decrees within the period allowed for appeal, and in cases pending in appeal, and that the lower Courts apply to the appellate tribunals to stay or grant execution of decrees, although they possess authority by Law, and are bound, under certain circumstances, to pass orders for, or for the stay of, execution themselves without reference; the Court, with a view to obviate misapprehension in this respect, direct attention to the several Regulations on the subject, which are noted in the margin.*

* Clauses 1 and 5, Section 12, Regulation IV. of 1803.
Clauses 8 and 9, Section 12, Regulation IV. of 1803.
Clauses 1 and 6, Section 10, Regulation V. of 1803.
Sections 11 and 12, Regulation XIII. of 1808.

2nd. These shew that, in decrees for money or other moveable property, an order from the appellate Court to stay execution is not required before allowing the appellant to stay execution on security, but that the Court passing the decree is bound by Section 2, Regulation XIII. of 1796, to stay it on the appellant's application *if* he give security and if it be not so stayed by him, the respondent may apply for execution *on* security. The interference of the appellate Court in favor of the appellant is only required or authorized in decrees for "land, houses, or other immoveable property" by Clause 3, Section 11, Regulation XIII. of 1808, by the 2nd Clause of which Section, the respondent is declared entitled to execution *on* security; and it is not in the power of the appellant to get execution stayed even *on* security, without obtaining an order to such effect from the appellate Court. In no case, however, whether for moveable or immoveable property, can execution be granted to the respondent *without* security within the period allowed for appeal, or while an appeal is pending, although the appellant may neither have given security to stay execution, nor have procured an order for the purpose.

3rd. The several Circular Orders and Constructions, enumerated in the margin,* are hereby superseded. The principle of Construction 646 will however remain in force, and it will rest with a Zillah Judge to stay, under Clause 3, Section 11, Regulation XIII. of 1808, the execution of a decree appealed against to his Court, and not with the Principal Sudder Ameen, to whom he may refer the appeal for trial.

* C. O., No. 157, dated 6th November, 1835.
C. O., No. 47, para. 3, dated 23rd August, 1839.
Construction 536, para. 2.
Construction 646.

Agra, the 30th October, 1849.

No. 1576 OF 1849.

To the Civil Authorities in the North Western Provinces.

The Courts of Sudder Dewanny Adawlut for the Lower and North Western Provinces having had Construction 1094 under consideration, and deeming it to be an erroneous interpretation of Section 15, Regulation VIII. of 1831, and that, upon

the terms in which that Law is expressed, there is not a power in the Judges to direct Collectors by precept to send to them any summary suits instituted before them, and to enforce such direction under Section 36, Regulation XIV. of 1793, hereby notify its rescission. They are of opinion that, on its being made known to a Collector by the application of a party, or by a proceeding of the Judge, or otherwise, that a case before him is one which should be transferred, under the Section, to the Civil Court, the Collector should satisfy himself on the point, and remit the case or not, as he may think it his duty under the Law.

Agra, the 30th November, 1849.

CIRCULAR No. 1675 OF 1849.

To the Civil Judges in the North Western Provinces and the Commissioner of Kumaon.

The Judges are requested to add "Section 22, Regulation V. of 1831," and "Section 7, Regulation VII. of 1832," to the list of Regulations enumerated in the marginal note of paragraph 1, Circular Order, No. 1468, dated 30th October last, and published in the *Agra Government Gazette* of the 20th ultimo. This addition is necessary because, but for the enactment of the provisions cited, by which Sudder Ameens and Moonsiffs are required to execute decrees "under the general rules prescribed for the execution of decrees passed by the Zillah and City Judges," the Zillah Judges would be at liberty, agreeably to Clause 5, Section 46, Regulation XXIII. of 1814, and Section 73 of the same Regulation, to suspend execution of *all* decrees passed in the Courts of the Sudder Ameens and Moonsiffs on application and tender of security by the appellant, whereas the Circular, dated 30th October last, declares that "the interference of the appellate Court in favor of the appellant is only required "or authorized in decrees for land, houses or other immoveable property by Clause 3, "Section 11, Regulation XIII. of 1808."

Agra, the 24th December, 1849.

CIRCULAR ORDERS

OF THE

NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES,

FOR 1849.

No. 104 OF 1849.

To the Criminal Authorities in the North Western Provinces, Kumaon and Saugor, and Nurbudda Territories.

Under instructions from the Hon'ble the Lieutenant Governor, North Western Provinces, and with the concurrence of his Honor, the Court of Nizamut Adawlut for the North Western Provinces desire the attention of the Local Officers, to the following instructions and remarks regarding the rule for the conduct of Police Officers, in demanding bail from accused parties, and for the due exhibition of results in the prescribed Monthly and Annual Statements.

2nd. The Court have from time to time observed great diversity in the Returns from different Districts as regards the number of persons discharged from bail by the Police, and they believe that the following Abstract of the Rules, contained in Regulation XX. of 1817 on this subject, may serve to correct any misconception that may exist, and to introduce a more uniform practice.

3rd. There is one provision of the Law which, the Court apprehend, has been very generally overlooked: Section 24, Regulation XX. of 1817 expressly authorizes the Police Officers, on receiving a complaint for any bailable offence declared to be cognizable by the Native Officers of Police, to "issue a summons" upon the party or parties accused, but in practice it is believed this power has seldom or never been exercised; in now calling attention to this Rule, the Court desire me to observe that in no part of Regulation XX. of 1817, is it provided that parties thus summoned shall *not* be discharged without giving bail for their appearance before the Magistrate; on the contrary, the parenthetical condition, which appears in the 4th Clause of the Section referred to, leaves it to be inferred that Police Officers may exercise their *discretion*

in taking bail from parties *summoned* to the Thannah on complaints for a bailable offence being preferred against them, and other parts of the same Section shew that this privilege of summoning parties charged with bailable offences does not take away from the Police Officers the power of arresting the same parties, either in the first instance, if circumstances should "require the immediate apprehension of the accused," or subsequently, if the accused party should not answer to the summons, but in that case, as well as in all the cases provided for by Clauses 2 and 11, Section 20, Clause 3, Section 23, Clause 8, Section 25, Regulation XX. of 1817, the general rule, (to which all the others referred to are subordinate) contained in Clause 17, Section 19, of the same Regulation, will come into operation, viz., that "no person who may once be apprehended" (not summoned) "shall be discharged except on bail or under the special orders of the Magistrate."

4th. The Court need hardly add that the Magistrates are bound to take care that their Police Officers understand and abide by the Law enacted for their guidance, and submit correct returns of their proceedings, as well as that their Sudder Amlah follow the rules laid down for the preparation of the Monthly and Annual Statements, of those rules no explanation seems to be needed; they are sufficiently simple and detailed, and the Headings of Part 3, Statement No. 1, (to which the foregoing remarks principally relate) indicate clearly enough how they are to be filled up.

Agra, the 27th January, 1849.

No. 378.

To the Criminal Authorities in the North Western Provinces.

The following Form of Warrant is prescribed by the Court for use under Act XXIII. 1840, in case in which Warrants are issued upon the report of a Police Officer or credible information, as authorized by the concluding sentence of Section 4, Regulation IX. 1807.

No. 12.

Warrant upon report of a Police Officer or credible information.

To MAHOMED BUKSH,

Nazir of the Fouzdary Court of Zillah Hooghly.

Whereas Abdoollah, garrewan, inhabitant of Taltullah Bazar, stands charged, upon the report of a Police Officer (or upon credible information*) with the crime of murder, you are hereby directed, under Section 4, Regulation IX. 1807, to apprehend the said Abdoollah, garrewan, and to produce him before the Magistrate of the said Court.

* As the case may be.

Dated the day of January, 1849. A. B.,

Agra, the 11th May, 1849. *Magistrate.*

No. 555 OF 1849.

To the Criminal Authorities in the North Western Provinces.

The Court, having been informed that the practice of requiring complainants in the Magistrate's Court to swear to the truth of what is alleged in their petitions is generally prevalent, are pleased to prohibit the same, and to direct that, when any petition preferring a criminal charge is thought by the Magistrate to call for judicial investigation, the only regular and proper course will be to take the complainant's deposition on oath or solemn declaration.

Agra, the 23rd June, 1849.

No. 579 OF 1849.

To the Magisterial Authorities in the North Western Provinces.

The Court of Nizamut Adawlut for the North Western Provinces are pleased with the sanction of Government to direct, that the following rules be communicated by the several Magistrates to their Police Officers for future observance.

1st. In all cases cognizable by the Police, the depositions of the informant, or plaintiff, or of both, are to be immediately taken at length; the Police Officers being careful, particularly to enquire from them what they saw themselves, what they learnt from others, who the persons were from whom they learnt it, the prosecutor's witnesses, and what evidence each witness is supposed to be capable of giving. In cases of dacoitee, highway robbery, theft and burglary, the list of property lost must invariably accompany the plaintiff's deposition, and the above papers must be forwarded to the Magistrate immediately on being received.

2nd. The *Sooruthals* required in Sections 14 and 15, Regulation XX. of 1817, or in cases of dacoitee, describing the appearance presented, and the facts brought to light in a *primâ facie* enquiry, to be sent to the Magistrate, in place of a report, the moment they are drawn up.

3rd. Confession of prisoners to be taken at length. No persons employed about the Thannahs, or Chokeedars, Doosadhs or Chumars, or of such other descriptions, to be made subscribing witnesses to the same by the police, under penalty of forfeiture of situation. These must always be respectable men of the place; and such, if possible, as can read and write, and they should be required to question the prisoner themselves whether he has confessed voluntarily to the facts stated.

4th. The depositions of witnesses are not to be detailed in the papers sent to the Magistrate, and the summary of it to be given in the simplest form.

For example, in a case of highway robbery with murder; Nuzzeer Allee, Peer Bux and Gobind Ram, deposed to having witnessed the deed;

Doorgah, Ewaz Jan and Ruttun recognize the property;

Sheo Lal and Gooroo Das witnessed the search of prisoner's house; Jugut Allee and Gungadeen saw prisoner running off with a drawn sword in his hand;

Janokia Doosadh, Chowkcedar, arrested the prisoner and saw marks of blood on his clothes.

5th. At the bottom of this summary, the Darogah is to enter the names of those witnesses whom he examined, but who professed ignorance, or gave evidence so unimportant as not to require their being sent in.

6th. In sending in the prisoners, at the close of an enquiry, the Darogah to enter his grounds for so doing (without any recapitulation of evidence) in the column of remarks of the Chullan No. 2, of Appendix to Regulation XX. of 1817.

7th. No precise rules can be laid down for the returns to Purwannah; but any Police Officer, unnecessarily taking up the time of the Magistrate with long reports, will be punished by fine, and such conduct, if persisted in, will cause dismissal.

8th. The Darogahs are informed that all excuses for delay in preparing and copying out voluminous reports being obviated by the above rules, any breach of the Regulations in the detention of arrested persons, or any slowness in the enquiry will be severely dealt with. They are also to report concisely, but clearly, all important occurrences which may take place within their jurisdiction, considering that an important part of their duty.

9th. In cases when the Darogah may not think the case sufficiently proved to warrant the transmission of the accused parties to the Magistrate, he is to send in the *substance* of the evidence of each witness, the statements of the plaintiff and defendants, the latter taken at length; and a clear statement (without recapitulating any evidence) of the grounds of his opinion for releasing the accused.

Agra, the 2nd July, 1849.

No. 885 OF 1849.

To the several Criminal Authorities in the North Western Provinces.

The Circular Orders of the Nizamut Adawlut No. 233 dated 8th May 1820 and No. 307 dated 11th February 1825 regarding the practice to be followed in dealing with persons proved to have committed penal acts while insane, were partly rescinded by Circular Order Nizamut Adawlut No. 183 dated 27th September 1844, and this latter has now been superseded by Act IV. of 1849, the 3rd Section of which empowers the Court, before which the trial of any such person may be held, to direct the prisoner to be kept in safe custody until the pleasure of *government* shall be known.

2nd. The Court are pleased, accordingly, to notify rescission of Circular Orders, No. 233, dated 8th May 1820, No. 62, dated 4th September 1840, and No. 183, dated 27th September 1844, as well as modification of Circular Order, No. 307, dated 11th February 1825, and, with the sanction of Government, to direct that whenever a person may be acquitted of any offence, because he is within the exception made by Section 1, Act IV. of 1849, the Court, before which the trial was had, shall order the prisoner to be kept in safe custody until the pleasure of Government shall be known, and shall immediately report the result of the trial to the Secretary to Government, Judicial Department, and apply for the requisite instructions regarding the disposal of the prisoner.

3rd. Sessions Judges will communicate direct with the Government on this subject; Magisterial Officers will submit their applications to the Government through the channel of the Sessions Judge's Office.

Agra, the 7th September, 1849.

No. 1051 OF 1849.

To the Criminal Authorities in the North Western Provinces.

With reference to the definition of "Privity," contained in Circular Order, Nizamut Adawlut, North Western Provinces, No. 8, dated 7th June 1847, the Court think it useful to notify that, as ruled by both Courts of Nizamut Adawlut, Magistrates are competent to try parties charged with Privity to Murder, or privity to other offences beyond their cognizance, and to punish the said parties, as for a misdemeanor, provided that the principals accused of the murder or other offence have not been apprehended.

2nd. But, if a party so charged with Privity be apprehended along with those accused of the principal offence, the Magistrate must commit him to the Sessions Court, that there may be one trial by that Court of all charges connected with the same offence.

Agra, the 5th November, 1849.

CIRCULAR ORDERS

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES,

FOR 1849.

No. 1 OF 1849.

To all Commissioners and Officers in charge of the Revenue Administration of Districts.

Maafee Land.

Board direct that a return of all resumed lands not on the rent roll, be drawn out according to Form A. and that monthly Statements of the progress made in settling them be submitted according to Form B.

In communication with the Government, the Sudder Board of Revenue, North Western Provinces, are pleased to direct that a return of all resumed patches of Maafee land, which have not been brought upon the rent roll, be drawn out for each District in the North Western Provinces, according to the Form A., annexed to this Circular, and that monthly Statements of the progress made in settling these lands, be submitted for the information of the Board, in the Form marked B.

Agra, the 12th January, 1849.

STATEMENT A.

Return of Resumed Rent-free lands not in the Touzah in Zillah *on the 1st January,* 1849.

Number of the Parcel of land.	Pergunnah.	Mouzah in which situated.	AREA OF THE PARCEL IN ACRES.	
			Culturable.	Unculturable.

NOTE.—Each parcel of land is to bear a separate number to which reference should be made in reporting its Settlement. The Statement is to be prepared by Pergunnahs and Mouzahs.

نقشه الف

نقشه قطعات معافي منضبطه ضلع فلاں جو پہلي جنوري سنه ۱۸۴۹ ع تک توزيع ميں نہيں چڑھائے گئے

نمبر قطعه زمين	پرگنه	موضع جسميں قطعه واقع هی	رقبه قطعه بحساب ايکر	
			قابل زراعت	غيرممکن الزراعت

واضح هو که هر ايک قطعه کے واسطے عليحده نمبر ضرور هی اور اُسکے بندوبست کي رپورٹ ميں اصل نمبر پر رجوع کرنا چاهيئے اور نقشه پرگنه وار اور موضع وار بنايا جاے •

STATEMENT B.

Report of progress made in settling and reporting the Maafee patches entered in Statement A. during the month.

1	2	3	4	5	6	7			Remarks.
						Detail of cases in column 6.			
Total number of cases as per Statement A.	Number of new cases brought on the file during the month.	Total number of cases.	Number of cases adjusted and brought on the rent roll prior to the month.	Number of cases adjusted and brought on the rent roll during the month.	Number of cases remaining to be brought on the rent roll.	Not settled.	Settled but not Reported.	Reported.	

نقشه بي

نقشه ماهواري كاركردگي بندوبست قطعات زمين مندرجه نقشه الف بابت مهينے فلان

١	٢	٣	٤	٥	٦	٧		
						تفصيل مقدمات مندرجه خانه ششم		
كل تعداد مقدمات بموجب نقشه الف	تعداد مقدمات جديد جو انذر مهينے كے دائر هوئے	تعداد كل مقدمات	تعداد مقدمات جنكا تصفيه هوا اور تقسيم پر چوڑهائے گئے قبل مهينے كے	تعداد مقدمات جنكا تصفيه هوا اور تقسيم پر چوڑهائے گئے اندر مهينے كے	تعداد مقدمات جو تقسيم پر چوڑهانے سے باقي هيں	جنكا بندوبست ابهي نهيں هوا	جنكا بندوبست هو گيا مگر رپورٹ نهيں هوئي *	جنكي رپورٹ هو گئي

No. 2 of 1849.

Board promulgate rules regarding the mode of enforcing the joint responsibility of sharers in undivided Mehals.

The Sudder Board of Revenue, North Western Provinces, by the direction of Government, prescribe the following rules, regarding the mode of enforcing the joint responsibility of sharers in undivided Mehals.

First. The proprietors of an undivided Mehal are jointly responsible to the Government for the whole of the jumma assessed, on the Mehal.

Second. It is in the option of any joint proprietor to separate his property from the rest of the Mehal, by demanding the division of the Estate, under the Regulations passed for the purpose.

Third. If the share, or extent of land possessed by the proprietor, is known, and beyond dispute, the Collector is bound to make the division on application of the proprietor; otherwise the proprietor must first establish in the Civil Court his right to the share or land he claims.

Fourth. The division of the Estate must be effected by the equable apportionment of the demand upon the several portions of the joint Estate according to the capabilities and assets ascertained at the time of division as prescribed in Clause 4, Section XXXVII. Regulation XXV. of 1803. The separation of proprietors on the adjustment of jumma made at the time of Settlement will not be binding, but the land will be divided, or the jumma will be adjusted, on the same considerations as would have influenced the determination if a new Settlement had been in progress at the time of the division of the Estate.

Fifth. All proceedings which destroy or impair the joint responsibility, such as the purchase by Government, or the farm to a stranger, or the kham Tehseel of a Puttee of an undivided Putteedaree Estate, should as a general rule be avoided; unless it be ascertained that the adjustment of the jumma, correspond with the capabilities and assets of the Puttee at the time the measure is proposed, and that there be no design on the part of the proprietors fraudulently or collusively to free themselves from the responsibility to which they are legally liable.

Sixth. The joint responsibility may be enforced by selling or farming the entire Mehal, or by holding it kham for a balance due from an individual proprietor or from a Puttee; but these measures should not ordinarily be adopted, till efforts to realize the balance from the actual defaulters have failed.

Seventh. When default has occurred, and it becomes necessary to adopt coercive measures for the realization of the balance, great difference should be observed in collecting from the sharers in an undivided Putteedaree Estate, and from the proprietors of separate Estates. The proceedings in the former case should be always carried on in immediate communication with the Lumburdars, and the ultimate joint responsibility should be kept in view and used as the means of lessening the costs of the process, and of producing the combined efforts of all members of the community for the liquidation of the balance.

Eighth. Exceptional cases may arise in which the prosperity or existence of the community may demand that the joint responsibility be suspended or relinquished, as they sometimes occur in which the Government demand on entire Estates must be suspended or relinquished. Both proposals are of the same nature, and rest on the same considerations.

Agra, the 8th May, 1849.

No. 3 of 1849.

REVENUE DEPARTMENT.

Security Bonds.

In communication with Board of Customs, Salt and Opium, the Sudder Board rule that Security Bonds by, or on account of, Government Officers, may be recorded on plain paper.

The Sudder Board of Revenue in communication with the Board of Customs, Salt and Opium, Fort William, whose opinion on the subject is conclusive under Construction of the Sudder Dewanny Adawlut, No. 1331, dated 15th April, 1842, are pleased to rule for the guidance of Officers in the Revenue and Customs Departments, that Security Bonds executed by, or on account of, Officers of Government for due discharge of their Office, come under the second exemption, attached to Article 12, Schedule A, Regulation X. of 1829.

2. Security Bonds for personal appearance under Section 2, Regulation XXXIII. of 1803, and bonds pledging property to Government as security in situations of pecuniary responsibility as for a Treasurer, are included under this Rule, and all such may henceforth be received upon plain paper.

Agra, the 12th June, 1849.

No. 4. of 1849.

To Commissioners and Officers in charge of Districts.

Malgoozaree and Pergunnah Registers.

Drawing attention under instructions of Government to their preparation.

The Sudder Board of Revenue, North Western Provinces, under the instructions of Government, are pleased to draw the attention of Commissioners and Collectors to paras. 161 and 162, Section 3, of the "Directions to Collectors of Land Revenue," in which Rules are laid down for the Annual Construction of a *Malgoozaree Register.*

2. The Government is desirous that Collectors will at once enter upon the preparation of the Malgoozaree Register for 1849-50, which should show the state of property on 30th April 1849.

3. Rules for the preparation of *Pergunnah Registers,* are given in para. 235 of the Treatise abovementioned. It is believed that Registers very nearly corresponding with these directions exist in the Offices of most Collectors. Where they have not been drawn out, they should be commenced immediately, and entries made in them from and after 1st May 1850.

4. Commissioners are requested to satisfy themselves that these Registers are accurately prepared; and to furnish for the Board's satisfaction, specimens from each district, containing entries of 20 or 30 numbers of each Register.

Agra, the 7th September, 1849.

No. 5 OF 1849.

Security Bonds.

With reference to Circular Order No. 3, dated 12th June 1849, directs attention to Circular No. 300, dated 18th idem from Board of Customs, Salt and Opium, explanatory of the instructions above quoted.

With reference to the Circular Order, No. 3, dated 12th June last, regarding the validity of Security Bonds in which Government is concerned, upon plain paper, the Sudder Board of Revenue, N. W. P., are pleased to direct attention to a Circular* of the Board of Customs, Salt and Opium since published, and to desire that it be considered as explanatory of their instructions above quoted.

Agra, the 7th September 1849.

ANNEXURE.

Circular Order No. 300, *dated* 18*th June* 1849, *from the Board of Customs, Salt and Opium.*

To the Secretary to the Sudder Board of Revenue, North Western Provinces.

STAMPS.

Doubts having arisen as to the full scope of the second exemption under Article 12, of Schedule A, Regulation X. 1829, and of general exemption at the end of the same Schedule, I am directed by the Board of Customs, Salt and Opium, to inform you, that the exemptions in question are of universal application to all transactions in which Government is a party, including bonds executed for the due administration of a Public Office, whether executed by the person holding or about to hold the Office, or by a third party on his behalf; bonds executed under Section 2, Regulation XXXIII. 1803, for the personal appearance of Native Officers; Security Bonds in which property is specially pledged to Government, whether the amount to be recovered is unlimited or not: and generally all deeds in which Government as a party is in any way concerned, except in the Commercial Department.

2nd. I am directed to add, that the Salt and Opium are branches of the Territorial Revenue, and have nothing to do with the Commercial concerns of the East India Company.

I have, &c.,

(Signed) C. BEADON,

Secretary.

BOARD OF CUSTOMS, SALT AND OPIUM,
The 18*th June*, 1849.

* No. 300, dated 18th June, 1849.

No. 6 of 1849.

Remissions on account of land taken for public purposes, how to be adjusted in Revenue Accounts.

In conformity with instructions received from Government, the Sudder Board of Revenue, North Western Provinces, request that all remissions of Revenue demand granted on account of Malgoozaree lands taken for public purposes, may in future be adjusted in the accounts of the Revenue Department in the following manner.

2nd. Whenever the purposes for which the land is appropriated by Government, are not necessarily of a permanent nature, the entire jumma of the Estate should be retained in the Towjee, and the Annual remission should be entered in the Memo. attached to the jumma *wasil bakee*, a specimen of which is given in the Accountant's Manual at page 147.

3rd. Where however the land must necessarily be retained permanently, (as in the case of the Grand Trunk Road, or Ganges Canal,) the jumma should at once be reduced to the extent of the remission sanctioned.

Agra, the 19th October, 1849.

No. 7 of 1849.

To Collectors of Revenue, North Western Provinces.

Rules for Sales and Purchase of Defaulting Estates.

The Collector not to refuse any bid below the arrear, but to bid higher. Discretionary power to sell at less than the balance where other property is possessed by the Defaulter.

The Sudder Board of Revenue, North Western Provinces, having reason to apprehend that para. 13 of their order No. 2,* dated 4th February 1842, has been construed as prohibiting Collectors from receiving any bid which is not in full of the arrear for which the estate is exposed to sale, and enjoining him to purchase the estate at the nominal price of 1 rupee, are pleased to issue the following instructions.

2nd. The Collector must never refuse any bid on account of its being less than the balance due to Government, but he must under general circumstances go on to bid on the part of Government to any amount less than the balance.

3rd. A discretionary power is vested in the Collector to sell an estate to parties other than Government, at a sum less than the arrear for which it is put up to sale, whenever he has reason to think that the defaulter is possessed of other property from which the balance may be realized; and on completion of the sale he will take immediate steps to recover the remaining balance from such property.

4th. When no such property is possessed by the defaulter, his estate must be bought by Government (in default of other bidders to the extent of the arrear,) at a

* "If the arrear cannot be recovered in full by Auction Sale, the Collector will bid for the property, and purchase it on account of Government."

bonâ fide bid in excess of any which may be made at the time of sale. In this case the whole original balance will still stand as unrealized, in the Collector's books against the estate, till eventually recovered or otherwise adjusted under the orders of Government; but the defaulter will only remain personally answerable for the difference between the price paid by Government and the arrear for which the estate was sold. The amount of such difference may be subsequently realized from any assets belonging to the defaulter which may be afterwards discovered.

Agra, the 20th November, 1849.

CIRCULAR No. B. OF 1849.

TO COMMISSIONERS OF MEERUT, AGRA, ROHILCUND, ALLAHABAD, BENARES, DELHIE, SAUGOR AND KUMAON.

Dated Agra, the 2nd February, 1849.

Treasure Tumbrils.

Forwards Extract of a letter from the Accountant, N. W. P., on the subject of the above. Board desire that a half yearly report on the state of the Tumbrils be submitted on the 1st January and 1st July of each year.

I am directed by the Sudder Board of Revenue, N. W. P., to forward for the information and guidance of the Local Officers in your Division the accompanying Extract paras. 2 and 3, of a letter from the Accountant, N. W. P., on the subject of Treasure Tumbrils.

2nd. The Board desire that a half yearly report on the state of the Tumbrils may be submitted for their information on the 1st January and 1st July of each year.

Return of Treasure Tumbrils for the District of

Number of Tumbrils.	Condition.	Note of repairs during the half year.

Extract Paras. 2 and 3 of a letter No. 4288, dated 30th November, 1848.

From the Accountant, N. W. P., Agra,

To the Secretary Sudder Board of Revenue, N. W. P.

Para. 2nd. In regard to the safe custody of the Tumbrils, it seems advisable as recommended by the Commissioner of Rohilcund, that the Collectors should be allowed to construct temporary sheds in all districts where there are no sheds or buildings available. But I think it will be found that the Tumbrils suffer more while travelling than when stationary. The people in charge often forget to take tar and grease for the wheels; and one trip under such circumstances is often sufficient to destroy the boxes of the wheels. The utmost attention is therefore required on the part of the Officers in charge of Treasuries to see that the necessary supply of tar and grease is provided, and a careful intelligent Khulassie is sent in charge of the Tumbrils, whenever a remittance is made, and that all necessary petty repairs are made before starting.

Para. 3rd. I am of opinion that a half yearly report to the Sudder Board, showing the state of the Tumbrils and depreciation or wear or tear of the past six months, as well as a similar report on a Collector's taking charge of a District, would in some degree ensure attention to any rules which the Board may think it necessary to lay down.

No. E. OF 1849.

TO THE COMMISSIONERS OF MEERUT, AGRA, ROHILCUND, ALLAHABAD, BENARES, DEHLIE, SAUGOR, AND KUMAON.

Dated Agra, the 15th of June, 1849.

Issue and repairs of Treasure Tumbrils.

With reference to Board's Circular B, dated 2nd February 1849, transmits for information and guidance copy of the orders of Government, No. 1892, dated 30th May, and requests particular attention to the instructions contained therein.

With reference to the Board's Circular B, dated the 2nd of February last, on the subject of Treasure Tumbrils, I am directed to transmit for your information and the guidance of the district officers subordinate to you, the accompanying copy of the orders of Government, No. 1892, dated the 30th of May, with a copy of a Circular addressed by the Military Board to Magazine Officers, regarding the issue and repair of Tumbrils required by Collectors.

2nd. The Board request that particular attention be paid to the instructions contained in the orders of Government and that the suggestions conveyed by the Accountant in the annexure to Circular B, above quoted, may be carefully acted up to.

No. 1892 OF 1849.

FROM J. THORNTON, ESQ.,

Secy. to the Govt. in the N. W. P.

TO W. MUIR, ESQ.,

Secy. to the Sudder Board of Revenue, N. W. P., Agra.

Dated Head Quarters, the 30th May 1849.

I am directed by the Hon'ble the Lieutenant Governor to transmit for communication to Collectors, the accompanying copy of a correspondence* with the Military Board, on the subject of the repairs, &c., of Treasure Tumbrils for the Revenue Department.

* From Military Board, dated 24th April, No. 6873.
To ditto ditto, of this date.

2nd. His Honor observes that the Revenue authorities should avoid, as far as possible, the borrowing Tumbrils for temporary purposes from the Ordnance Department, as the expense of such a course will always be considerable. New Tumbrils should be purchased when necessary from the Gun Agency, and should be kept in use with occasional repairs as long as they can be made serviceable.

3rd. The Collectors should be desired to attend carefully to the suggestions contained in the Accountant's letter to your address, dated 30th of November last, regarding the construction of sheds when required for sheltering the Tumbrils, and the securing due attention to them, when travelling. For this purpose an intelligent Kulashie should always be sent with the Tumbrils, and he should be provided with materials for greasing the wheels and for otherwise preserving them, as far as possible, from injury on the journey.

CIRCULAR No. 349 OF 1849.

Addressed by the Military Board, Fort William.

To the Arsenal and Magazines.

Dated the 24th April 1849.

I have the honor, by direction of the Military Board, to forward for your information and guidance, the following Rules on the subject of the Treasure Tumbrils required for the use of the Revenue Department.

RULES.

1st. Whenever Treasure Tumbrils are issued from the Magazines for the permanent use of the Civil Department, they are to be struck off the Books in the same manner as other issues, and detailed Statements of the Tumbrils and their equipments supplied, are at once to be forwarded to this office for adjustment.

2nd. Whenever Treasure Tumbrils are sent to Magazines for repair by the Civil Department, officers in charge of Magazines are to have them surveyed in the usual manner, and a copy of the Survey Report furnished to the party sending them.

3rd. A copy is also to be sent to this office in support of the Monthly Work Report and General Indent, in which they may be brought forward.

4th. Tumbrils received for repair are not to be accounted for in any other Magazine document than the above, and they are to be returned to the Civil Department immediately, the necessary repairs have been completed.

5th. Detailed statements are invariably to be furnished to this office, for adjustment of the workmen employed and materials expended in the repair of all Treasure Tumbrils so received.

CIRCULAR ORDERS

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES,

For 1849.

CUSTOMS, No. I.

Dated Agra, 26th January, 1849.

Board direct the adoption of Rules prescribed for the free importation of common alimentary salt.

The Sudder Board of Revenue, North Western Provinces direct the adoption, throughout the Customs Department, of the annexed Rules, prescribed by Government for the purpose of preventing without unnecessary inconvenience to the fair Trader, the free importation of common alimentary salt, intermixed, in large portion, with despatches of crude Saltpetre.

RULES.

1st. Crude Saltpetre shall only be brought across the frontier line by open posts and under *Maffee* Rowannahs (Form C. Rule XXIV. of February 10th, 1844). All crude Saltpetre, which is attempted to be brought across the line, otherwise than in this manner, shall be immediately sent under charge of the Customs Department to the Deputy Collector of Customs, who will examine it, and charge the full duty of 2 rupees per maund on all the muriate of Soda it may be found to contain on analysis of a sample fairly taken. If the duty be not paid, within one month from the date of

demand, the despatch shall be confiscated in the usual manner. The carriage is not in any case to be confiscated, nor to suffer unnecessary detention.

2nd. The Examining Officer at the open Chokee where the Saltpetre may pass under a Rowannah, will select as a fair specimen from the despatch to pass on without further question if it correspond with the Rowannah. The Deputy Collector will analyse the sample and levy a duty of 2 rupees per maund on all the muriate of Soda which the despatch may contain, above 20 per cent. of the entire despatch. Until this be paid he will refuse to grant any further *Maaffee* Rowannahs to the importer of the despatch or on his behalf. No *Maaffee* Rowannah is transferrable.

3rd. The Deputy Collectors will report every 6 months the quantity and the quality of the crude Saltpetre, which may pass over the line within their jurisdiction.

Agra, the 26th January, 1849.

CIRCULAR A.

TO THE COMMISSIONERS OF THE DEHLIE, MEERUT, KUMAON, ROHILCUND, AGRA, ALLAHABAD, BENARES, AND SAUGOR DIVISIONS.

Dated Agra, the 17th August, 1849.

Stamps.

Board forward for information and guidance of Local Officers, copy of a Circular and Form No. 1340, dated 31st July, 1849, from Secretary Board of Customs, Salt and Opium, on the subject of delivering over and taking charge of above.

I am directed by the Sudder Board of Revenue, North Western Provinces, to forward for the information and guidance of the Local Officers in your Division the accompanying copy of a Circular and Form, No. 1340, dated 31st July 1849, from the Secretary Board of Customs, Salt and Opium, on the subject of delivering over and taking charge of Stamps.

CIRCULAR No. 1340 OF 1849.

Addressed by the Board of Customs, Salt and Opium, Fort William.

TO COMMISSIONERS OF REVENUE IN THE BENGAL PROVINCES, ARRACAN, ASSAM AND GOVERNOR GENERAL'S AGENT, NORTH WESTERN FRONTIER.

With reference to Circular of Superintendent of Stamps, dated 25th May, 1830, gives orders to Officers taking charge to furnish in quadruplicate a receipt in Form annexed, and further communicates instructions in regard to Officers delivering over and taking charge of Stamps.

With reference to the Circular of the Superintendent of Stamps, dated the 25th May 1830, I am directed by the Board of Customs, Salt and Opium, to request that you will instruct the Officers subordinate to you in charge of Stamps, that on every occasion of transfer the Officer taking charge is to furnish in quadruplicate a receipt in the annexed Form.

2nd. One copy of this receipt is to be delivered to the Officer making over charge, one to be kept in the Office for record, one forwarded to the Commissioner, and one to the Superintendent of Stamps.

3rd. If it should be impracticable at the time of delivering over charge to count the unsold Stamps in the hands of the Venders the receipt is nevertheless to be given in the form as above prescribed, but the responsibility of the Officer delivering charge will not cease until such time, not exceeding three months from the date of transfer, as the Stamps in the hands of the Venders are counted and found correct. If within that time any deficiency should be discovered in these Stamps, the responsibility of the Officers who delivered charge will be the same as if no such receipt had been given. But if within that time the Stamps in the hands of the Venders should not be counted, or if they should be counted and found correct, the receipt will become and be held a full and complete discharge, and the Officer who received charge will be made answerable for any deficiency that may afterwards be discovered, whether it occurred during his incumbency or not: when the actual balance in the hands of the Venders is not ascertained at the time of giving and receiving charge a note as in the accompanying Form, may be appended to the receipt.

4th. Officers receiving charge of Stamps are required to count the Stamps in the hands of Venders as soon as practicable, taking the precaution, with a view to prevent collusion, to have the entire quantity of Stamps in the hands of all the Venders produced simultaneously at the Sudder Station, so that the whole balance may be inspected at once. If on being counted they are found correct, the same will be certified at the foot of the Monthly Account of receipts and issues furnished to the Superintendent of Stamps, but if any deficiency be found, immediate intimation is to be given to the Officer who delivered charge, and the necessary steps taken at the same time to enforce in the first instance the responsibility of the Vender.

5th. The above instructions are applicable only to cases where Stamps are in the hands of Venders on commission sale, and the value of them has not been realized and credited to Government. No account need be taken of Stamps supplied to Venders under Clause 5, Section 11, Regulation 10, of 1829, of which the value has been paid into the Treasury, less the usual discount.

BOARD OF CUSTOMS, SALT AND OPIUM,
The 31*st July*, 1849.

FORM.

Received from

the undermentioned

STAMPS, viz.	1 Anna.	2 Annas.	4 Annas.	8 Annas.	&c. &c.	Total No. of Stamps.	Value Co.'s Rupees.
Balance of last month, ...							
Received into Store during the month up to this date, viz.							
From Superintendent of Stamps, ..							
From Collector of							
Total, ...							
Sold during the month up to this date,							
Issued to up to this date							
Total, ...							
Balance, viz.							
At the Sudder Station, ...							
In the hands of Venders,*							
Embezzled, ...							
Total, ...							

Also parcels (or boxes) said to contain _____
Stamps to the value of Rs. _____
The contents of which have not yet been counted and brought to credit.

* By account to be verified within three months from this date.

CIRCULAR ORDERS

OF THE

ACCOUNTANT'S OFFICE,

NORTH WESTERN PROVINCES.

FOR 1849.

No. 244 OF 1848-49.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

Several instances having lately occurred in which Bills drawn by the Honorable the Court of Directors on the Government of Bengal, in favor of parties residing in the North Western Provinces, have been cashed at Treasuries in these Provinces without authority; I have the honor to inform you, that, such Bills are only payable at the General Treasury at Fort William, and that, parties holding them when presenting them for payment at your Office, should be directed to communicate with the Accountant to the Government of Bengal respecting them, and that they should, under no circumstances, be cashed by you without authority.

Agra, the 26th March, 1849.

No. 245 OF 1848-49.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

At the request of Captain Charles Campbell, I beg to inform you that consequent on the breaking up of the Army of the Punjab, his designation has been changed from "Pay Master to the Army of the Punjab" to that of "Field Pay Master to the Troops beyond the Ravee stationed at Wuzeerabad."

2nd. You will be pleased to honor all drafts which Captain Campbell may grant upon your Treasury in his capacity as Pay Master, whether they be Bills for Military Officers or Sepoys' Family Remittances under prescribed rules; or Supply Bills issued in favor of Shroffs and others under special instructions from this Office, also, all Drafts already drawn by Captain Cheape in charge of the Military Chest with 1st Division of the Army of the Punjab at Mooltan.

3rd. I beg to add that Captain Turner in charge of Military Chest with Major General Gilbert's Force, and Major R. St. John, Pay Master to the Bombay portion of the same Force, now on special duty at Peshawar, have also been authorized to grant Supply Bills on the Treasuries in the North Western Provinces, which, when drawn upon your Treasury, must be promptly honored, when found to agree with their proper letters of advice, and charged in your accounts in the usual manner, the former against the Bengal Presidency, and the latter against the Presidency of Bombay.

Agra, the 5th April, 1849.

No. 246 OF 1849.

To the Post Masters of the North Western Provinces.

The Receipts connected with supplies of Cash obtained, and that ordinarily remitted by some Post Masters to the Revenue Treasury being so numerous as not only to encumber the Post, but to involve considerable additional labor on the Establishment, and expenditure of Stationery, without any adequate advantage or necessity, I beg you will without delay bring into operation, the following arrangements which appear to me calculated to obviate these evils.

They are as follows;

1st. That your Remittances to the Collector's Treasury should be made *only* once during the *day*.

2nd. That the *time* for such Remittances should be regulated by reference to the Collector in the first instance, and should immediately precede the hour fixed by that Officer for the close of the money transactions of his Treasury.

3rd. That your Collections should be remitted as soon as they amount to one hundred Rupees as prescribed by my Circular No. 243, dated 7th December last.

4th. That a Book of all Remittances should be opened according to the Form annexed, and sent to the Collector's Treasury along with the money.

The Treasury Officer should at the close of the month grant you *one General Receipt* with a specification of dates and amounts, and attach his signature thereto, together with that of the Treasurer, and transmit it to you in duplicate in order to form a voucher of your Account Current, where the amount should be entered to correspond with that of the Receipt, which will form an abstract of the entries in your Remittance Book.

A similar course will have to be followed by the Officer in charge of the Treasury for the advances which you may have occasion to draw for the authorized expenditure of your Office, and he will take a General Receipt from you (affording details therein as above prescribed) at the close of each month, to serve as a voucher for his Treasury Accounts.

The utility of the scheme is obvious, and I trust to your and the Collectors' ready co-operation in carrying it out.

A copy of this communication has simultaneously been transmitted to the Collector at your Station, together with a Form for his guidance.

Agra, the 16*th March*, 1849.

For the Office not on the Bullock Train and Truck and Carriage Dâk Lines.

1	2			3	4	5	6		
Date.	Postage.			10 per cent. Commission.	Dâk Bearers' Surplus.	Bungalow Collections.	Fines on Establishment.	Total.	Signature of Post Master.
	Sudder.		Subordinate.						
	March.	April.	April.						
April, .. 1									
2									
3									
4									

Signature of Treasury Officer.

For the Offices of Bullock Train and Truck and Carriage Dáks.

1	2			3				4	5	6	7		8	
Date.	Postage.			Bullock Train.				10 per cent Commission.	Dák Bearers' Surplus.	Bungalow Collections.	*Truck and Carriage Dáks.*		Fines on Establishment.	Total.
	Sudder.		*Subordinate.*	*Paid.*		*Bearing.*					March.	April.		
	March.	April.	April.	March.	April.	March.	April.							
April, .. 1														
2														
3														
4														

Signature of Post Master

Signature of Treasury Officer.

No. 247 of 1849.

To the Collectors of

I beg to transmit for your information and guidance copy of my Circular to Post Masters of these Provinces bearing this date.

2nd. It will not be necessary for you to follow the Forms which the Post Master has been requested to observe in making Remittances to your Treasury. It will suffice to attest his Remittance Books, which will accompany his remittance to you under the proper column, when the amount in cash or another Collector's draft is received by you; but you will have to open a Remittance Book according to the subjoined Form, for funds with which you may supply the Post Master for his authorized expenditure, and to obtain a General Receipt at the close of each month for your payments to him.

3rd. The Debits and Credits of your transactions with the Post Master should be shewn in aggregate in your Treasury Accounts, and should always correspond with the General Receipts, which will be interchanged between you at the close of each month.

Agra, the 16th March, 1849.

FORM.

No. of Remittance.	*Date of Remittances.*	*Amount.*			*Signature of Post Master.*
*1	1st May, 1849, ...	101	2	6	A. B. C.
*2	3rd ditto, 1849, ...	110	8	0	ditto.
*3	4th ditto, 1849, ...	100	4	0	ditto.

* NOTE.—The series of Nos. in this Column should commence with the 1st May, and terminate with the 30th April of each year of account.

No. 248 OF 1848-49.

To all Magistrates in the North Western Provinces.

Under Instructions from Government North Western Provinces in the Judicial Department dated 13th Instant, I beg to circulate the Rules and Forms of Accounts 1, 2 and 3 prescribed by Government regarding the mode of shewing and bringing to account the Income and Expenditure arising from Prison Labor, and to request that you will conform to them.

2nd. You will understand that all the monetary transactions of each month connected with Prison Labor must be entered in the Collector's Treasury Account for the same month under the head "Prison Labor" subordinate to "To and By Judicial Charges General" shewing as Receipts all sums received for, or to be credited to, that head: such as monies realized by sale of manufactured articles, old materials, &c., also the cost of articles supplied from the Manufactories for the use of Prisoners not including the labor of Prisoners incurred in their preparation, included in your Contingent Bill for debit under diet, clothing, repairs to buildings, &c. Per contra must be shewn as Disbursements, the cost price of Raw Materials with all other charges connected with the formation and working of the Manufactories in which Prison Labor is employed. You will hence see the necessity of making over to the Collector's Treasury the net amount of cash (*i. e.* the amount of Receipts in excess of Disbursements) in hand at the end of each month, together with a Memorandum shewing in a condensed form the Receipts and Disbursements of the month on account of *each* of the heads or Manufactories in which Prison Labor is employed in your District, whether paper, cloth or other manufactory, or grinding wheat, or whatever else may be the nature of the work pursued, as they may be found detailed in the Jailor's Cash Account, (No. 3,) taking care that a correspondence is maintained between your Memorandum, and the Jailor's Cash Account.

3rd. In regard to any advance which you may take up from the Collector's Treasury either under sanction of the Inspector of Prisons or on your own responsibility under Rule 5, I beg to add, that such advance must be held in the Collector's Inefficient Balance at the responsibility of the Inspector of Prisons or of that of the Magistrate, as the case may be, till adjusted. As the amount advanced is laid out in the purchase of Raw Materials and Tools, &c., and is with cost of manufacture of articles exhibited as charges against Prison Labor, the amount charged should go to the reduction of the advance. No fresh advance must be taken up before the previous one shall have been entirely adjusted without the sanction of Government previously obtained.

Agra, the 26th March, 1849.

Rules regarding the mode of shewing and bringing to account the Income and Expenditure arising from Prison Labor.

1. Actual transactions only are to be shown in any account, and all Cash Receipts and Disbursements are to be included in the Treasury Account under the head of Prison Labor subordinate to Judicial Charges General. No separate or private fund can be allowed.

2. No charge whatever to be made to Government for the labor of Prisoners, and whenever that labor is expended in the manufacture of articles required for the use of the Prisoners or for works on which Prisoners are usually employed, such articles shall be charged to Government at the cost price of the Raw Materials, after audit in a Contingent Bill. Whenever, as in the case of Country Stationery the article is furnished to the Government, on a fixed allowance, which is of the nature of a contract, the whole market price of the manufactured articles may be charged against the fixed allowance.

3. All sums received from the sale of manufactured articles, to other parties than the Government, must be credited in the Treasury Account, and the Magistrate will be allowed to charge per contra on his own responsibility any disbursements for the use of the Prisoners or to further the public objects on which the Prisoners are employed, or for the purchase of Raw Materials required for the manufacture of articles intended for sale. The expenditure under this head being limited by the Receipts.

4. When Raw Materials previously purchased and charged to the head of Prison Labor are manufactured into articles for the Prisoners, the actual cost must be charged in the proper Contingent Bill under the appropriate heading of diet, clothing, repairs to buildings, &c. The amount when audited will be re-charged under its appropriate heading and credited per contra to Prison Labor.

5. Whenever funds are required for the purchase of Raw Materials or Implements of labor, in order to commence any manufacture in a Jail, an advance for this purpose not exceeding Rs. 500, may be sanctioned by the Inspector, and placed in the Inefficient Balance on his responsibility, or the advance may be made from the Inefficient Balance on the Magistrate's personal responsibility.

6. Besides entering the Cash transactions in a condensed form in the Treasury Account, every Magistrate must keep three sets of accounts, similar to the ones now in use at Benares, and copies of which are annexed to shew the Receipts, Expenditure and Balance of (No. 1) the Raw Material, (No. 2) Manufactured Article, and (No. 3) Cash.

7. Copies or Extracts from these three accounts must half yearly be furnished to the Inspector, while the aggregate and result must be checked by a reference to the Treasury Account.

No. 1.

Tabular Statement of Raw Material received and expended in Manufactories of the Benares Prison for the Month of July 1848.

Department of Manufactures.	*Detail of Articles.*	QUANTITY TO BE ACCOUNTED FOR.			*Expended during the present month.*	*Remaining in hand.*	*Number of Prisoners employed during the month.*	*Quantity of Manufactures, Goods, Supplies.*	REMARKS.
		Balance remaining at the end of last month.	*Added during the present month.*	TOTAL.					
		Mds. Srs. Ch.	Mds. Srs. Ch.	Mds. Srs. Ch.	Mds. Srs. Ch	Mds. Srs. Ch.		Guddies. Quires	
Paper Manufactory.	Old Rope. .. Old Paper. .. Sujjee.								
Cloth Manufactory.	Cotton Thread. ..							Thans.	
Cotton Spinning.	Cotton Wastage.							Mds. Srs. Ch.	
Rope Making.	Hemp Wastage.							Rope.	

A. B., *Jailor.*

No. 2.

Balance Statement of Manufactured Goods produced, expended and remaining in Store of the Benares Prison for the Month of July 1848.

Department	*Date.*	*Detail of Receipts.*	*Quantity.*	*Department.*	*Date.*	*Detail of Expenditure.*	*Quantity.*
Paper Manufactory.	1st July. ..	By Balance remaining at the end of last month. .. . Received from Manufactory during the month.	Guddies. Quires	Paper Manufactory.	10th July. .. 31st ditto. ..	Sold in the Bazar. .. Balance in hand. ..	Guddies. Quires
		Total, ...				Total, ...	
Cloth Manufactory.	1st July during the month.	Balance of Thans remaining at the end of last month. .. Received from Manufactory during the last month. ..	Thans.	Cloth Manufactory, ..	14th July. .. 31st ditto. ..	Sold in the Bazar. .. Balance in hand. ..	Thans. Ditto.
		Total, ...				Total, ...	
Cotton Spinning.	1st July during the month	Balance of Thread remaining at the end of last month. Received from Manufactory during the month. ..	Mds Srs. Ch.	Cotton Spinning.	16th July. .. 18th ditto. ..	Issued to Looms. . For sewing Sepoy's clothing, ... Balance in hand. ..	Mds Srs Ch.
		Total, ...				Total, ...	

A. B., *Jailor.*

No. 3.

Monthly Cash Account of Manufactures carried on in the Benares Prison for the Month of July, 1848.

Department.	*Month.*	*Date.*	*Detail of Receipts.*	*Amount.*	TOTAL.	*Department.*	*Month.*	*Date*	*Detail of Expenditure.*	*Amount.*	TOTAL.
Grinding wheat.	July	1	To Balance of last month received from Bennya on account of grinding 521 maunds 32 seers.			Grinding Wheat.	July	22	For sharpening 72 Razors, &c., 2 Scissors.		
			Received from Bennya for grinding 458 mds. 14 srs. 6 ch. at 3 annas per maund.				,,	,,	,, cutting 86 Mills at 6 pie each.		
			Total, ...				,,	,,	,, 20 Chulnees at 6 pie each ..		
									Balance...		
									Total.		
Paper Manufactory.	July	1	To Balance of last month, sold in the Bazar 22 Guddies 3 Quires at 3 rupees per Guddie.			Paper Manufactory.	July	8	2 large Nands at 1 anna 6 pie each		
			Ditto ditto 7 Quires, at 2 rupees per Guddie.				,,	13	14 Ghurrahs at 2 pie each.		
			Total, ...				,,	31	12 seers of Flour for pasting paper. Mistries pay.		
									Total, ...		
Cloth Manufactory.	July	1	To Balance of last month.			Cloth Manufactory.	July	7	31 srs. 14 ch. Cotton at 3 srs. 12 ch. per rupee.		
	,,	20	Sold in the Bazar 7 Thans, at 3 rupees each.				,,	9	6 string of Tat, at 3 pie each. ..		
							,,	17	Repairing one Rock.		
							,,	31	5 seers Flour for preparing Warps at 12 seers per rupee.		
									Balance,..		
			Total, ...						Total, ...		
			Memorandum of sums remitted to Treasury						*Memo. of Balance.*		
			By grinding Atta.						By grinding Atta.		
			,, Paper Manufactory.						,, Paper Manufactory.		
			,, Cloth Manufactory.						,, Cloth Manufactory.		
			Total remitted in July, ...						Total Cash in hand, ...		

(True Copies)
(Signed) C. ALLEN,
Offg. Secy. to Govt., N. W. P.

A. B.,
Jailor.

No. 249 of 1848-49.

To all Collectors in the North Western Provinces.

I beg to communicate for your information and guidance copy of a Circular this day issued by me under instructions from Government to all Magistrates, respecting the mode of shewing and bringing to account the Income and Expenditure arising from Prison Labor.

2nd. It will be your duty to incorporate into your Monthly Treasury Accounts, the exhibits made by the Magistrate in his Memorandum for the same Month, and to open a plus and minus Memorandum at the foot of your Account Current, to show at one view the accumulating surplus available for the public objects on which Prison Labor is employed. As the expenditure under this head will be limited by the Receipts, charges in excess of Receipts will be of rare occurrence, and must be guarded against. When they do occur you must hold such excess in your Inefficient Balance against the Magistrate, and recover the same from the next receipts.

3rd. Your particular attention must be given to the mode of gradually adjusting advances taken up by the Magistrate either upon his own responsibility, or under the sanction of the Superintendent of Prisons in the North Western Provinces.

Agra, the 26th March, 1849.

No. 250 of 1848-49.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

To obviate delay in the issue of Promissory Notes in lieu of Loan Acknowledgments, and the necessity of forwarding blank returns; I have to request that instead of sending *weekly* Registers of Loan Acknowledgments issued from your Office for Subscriptions to the Government Loan, you will make it an invariable rule in future to send the Registers along with the Loan Acknowledgments which you transmit for Promissory Notes to the Office of the Deputy Accountant General to the Government of India at Fort William, transmitting at the same time a copy of such Register to this Office.

Agra, the 1st May, 1849.

No. 251 of 1849-50.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I beg to annex for your information, and for purposes of future reference in your Office Copy of a Circular issued to all Pay Masters by the Officiating Accountant in the Military Department under date the 24th January last, with the view of obviating delay in adjusting advances made to Military Officers or Corps on emergency from Civil

Treasuries, when such Officers or Corps are removed from the circle of one Pay Master's payments, to that of another Pay Master.

Agra, the 7th May, 1849.

No. 5269 OF 1848-49.

To all Pay Masters.

Fort William, 24th January 1849.

Great delay and inconvenience arising in the adjustment of public claims from the practice of some Pay Masters not prosecuting the recovery on account of the party against whom the claim is preferred not being in his Circle, it is requested that on occasion of a public demand being sent to a Pay Office to be recovered against an Office who may not be in the Circle of payment of such Pay Office, that the same be sent or to the Pay Master in whose Circle the Officer may be then stationed, and that the party preferring the demand be advised of such transfer.

I have, &c.,
(Signed) C. G. MANSEL,
Offg. A. M. D.

FORT WILLIAM:
Office of Account, Military Department,
The 24th January, 1849.

No. 252 OF 1849-50.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I beg with reference to the subjoined copy of an Extract (para. 5th) of a letter from the Secretary to the Government of India to the address of the Lord Bishop of Calcutta, dated 24th March last to request, that whenever an amount (equal to ¾ths of the prescribed fee of Rs. 50,) is made over to you by a Chaplain, on account of fee for the erection of a Mural Monument in any Church, you will be pleased to credit the same in your Treasury Account under "Church" subordinate to "To Charges General of the General Department N. W. Provinces" indicating in the Credit entry the designation of the Chaplain paying in the fee, and of the Church in which the Monument is to be erected.

Agra, the 9th May, 1849.

Extract para. 5th of a letter from the Secretary to the Government of India to the address of the Lord Bishop of Calcutta, dated 24th March, 1849.

PARA. 5TH. "In respect then to the erection of Mural Tablets the directions of the Government are briefly these. That application is to be made for the purpose to the Ecclesiastical Authorities; that a fee of 50 rupees is to be paid to the Chaplain for permission to erect a Mural Tablet within the walls of any Church, of which fee three-fourths is to be immediatly paid by the Chaplain to the Collector of the District to be by him credited to the Government to meet the cost of repairs and Church establish-

ment, and the remaining one-fourth is to be retained by the Chaplain and applied to Charitable purposes, under such instructions as your Lordship may think fit to issue.

No. 253 OF 1849-50.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I am directed by the Honorable the Lieutenant Governor North Western Provinces, in orders from the Financial Department, dated 8th instant, based upon orders of the Government of India dated 14th ultimo, to inform you that, as a general Rule, parties holding mere accommodation Bills, in contradistinction to Supply Bills, are not entitled to interest on those Bills when not paid at maturity for want of assets; and that, on certification of want of assets, a Pay Master's Bills must, on such occasions, be sent for payment to, or an exchange draft given on, the *nearest* Treasury where funds are available.

2nd. You will be pleased carefully to observe this rule in future, and to consider the present instructions as modifying those conveyed in paragraph 3rd under Article "Deficiency of Funds," at page 47 of the Accountant's Manual.

Agra, the 15th May, 1849.

No. 255 OF 1849-50.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

Government having in orders dated 16th May 1844, sanctioned the continuance of the practice of granting Bills of Exchange, on other Treasuries, at par, to the Honorable the Lieutenant Governor, and to the Officers on His Honor's Staff, that is, to the Private Secretary, the Aides-de-Camp and the personal Surgeon of the Lieutenant Governor; I have to request, that you will, on occasions of issuing Bills on other Treasuries, on the application of the abovementioned Officers, be pleased to cite the authority of the orders of Government above referred to.

Agra, the 23rd June, 1849.

No. 256 OF 1489.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

Under directions from Government, dated 6th instant, I have to request that you will consider the instructions conveyed in my Circular No. 255, dated 23rd June last, regarding granting Bills on other Treasuries at par to the Lieutenant Governor, and his Staff as also applicable to the Secretary and Assistant Secretary to Government whenever they may be absent from Agra on duty with the Lieutenant Governor.

Agra, the 7th August, 1849.

ACTS AND ORDERS

FOR THE

NORTH WESTERN PROVINCES,

FOR THE YEAR

1850.

REPUBLISHED

FROM THE AGRA GOVERNMENT GAZETTE,

By Order

OF THE

HON'BLE THE LIEUTENANT GOVERNOR,

NORTH WESTERN PROVINCES.

AGRA:

PRINTED AT THE SECUNDRA ORPHAN PRESS.

1851.

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OF THE

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NORTH WESTERN PROVINCES.

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OF THE

NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES.

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TRADING BY UNCOVENANTED SERVANTS—prohibiting them from engaging in commercial transactions within the Districts in which they are employed	27th September, 1850.	*ib.*
PENSIONS—specifies those which come under the scope of the Government Notification, ..	4th October, 1850.	85
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PRICES CURRENT—rules prescribed for their periodical ascertainment and record, ...	10th December, 1850.	*ib.*
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CUSTOMS DEPARTMENT.		
OPIUM WASTAGE—forwards information and guidance, extracts of a letter and its annexure from Opium Agent, Ghazeepore, on the subject, ..	3d May, 1850.	89
OPIUM—that which will in future be supplied to the Abkaree Department, must be sold to the venders at the rate of 11 Rupees per cake, ..	25th June, 1850.	90
DOUBLE DUTY—explaining the meaning of the term as used in the Resolution of Government, dated 10th February 1844, ...	5th November, 1850.	91

CIRCULAR ORDERS

OF THE

ACCOUNTANT'S OFFICE,

NORTH WESTERN PROVINCES.

Subject.	*Date.*	*Page.*
Requests the adoption of the rules contained in Accountant's Manual, pages 42 and 62, relating to the competency of Commissioners to authorize disbursements of monies from the Local Agency Fund, those rules being applicable only to annual income collected from nuzool property, such as Rents or proceeds from the sale of produce, which are at the disposal of the Local Agents under the sanction of the Commissioner. Receipts from capital or those derived from the sale of nuzool lands, houses, or other real property to be only expended by the Local Agents under the special sanction of Government, ...	7th January, 1850.	92
Suggest that credit on account of Local Agency Fund, should specify distinctly the source of receipt to distinguish the portion of the fund at the disposal of the Committee, and that which is appropriable only under special orders of Government, ...	Ditto	*ib.*
Suggests a rule to be adopted at least once a quarter, personally to ascertain the causes under which		

Subject.	*Date.*	*Page.*
accumulated items are retained on the Deposit Accounts, and to discover the existence of claimants to such deposits, especially those of long standing, and otherwise to promote the removal of such amounts from the Deposit Accounts, in order to keep down that head of account, ...	24th January, 1850.	93
Deposits of Public Officers for public purposes are not to be allowed unnecessarily to incumber this head of account, ...	Ditto.	*ib.*
Suggests that agreeably to Circular No. 221, dated 27th May 1847, the annual account particulars of Deposits is capable of being greatly curtailed, and that the Column of Remarks of this Return should indicate the causes under which the items continue under Deposits, ...	Ditto.	*ib.*
Transmits copy of Circular letter from Military Accountant at the Presidency on the subject of the course to be adopted in the event of the Monthly Credit, which is allowed to Pay Masters upon any Treasury on account of pay and allowances of Troops within their circle being overdrawn, and suggests that when the Pay Master's Bills greatly exceeds in aggregate the amount indicated in Military Accountant's letter of credit, the circumstance is to be noticed to this Office, ...	4th March, 1850.	*ib.*
Requests that the "deductions on account postage on forward letters," &c., may in future be specified at foot of the Memorandum of Postage Collections on the back of Cash Accounts as shown in the Form marked A. transmitted for guidance, and that a Statement be submitted according to Form marked B, of similar deductions, which have been made during the past months of the Current Official year, ..	3rd December, 1849.	94
Transmits copies in English and in Oordoo of a Memorandum of instructions for guidance of Collectors, and Officers Commanding Treasure parties on all occasions of Specie Remittances. Commanding Officers are to be requested to preserve and deliver their copy to the Officer, to whom the Treasure is consigned, who will return the same to the Collector in forwarding his Receipt for the Remittance. In cases of intermediate relief of such Treasure parties, the Memorandum is to be made over to the relieving Officer for disposal in the above manner, ...	3rd April, 1850.	97

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The English Memorandum is intended for European Officers, and the Oordoo for Native Officers Commanding Treasure Escort parties, ...	3rd April, 1850.	97
Transmits Form of Entry to be observed in bringing to account all subscriptions to the Civil Funds from January 1850, and subsequent periods, to be regulated strictly by the deductions indicated in the Audit Entries on the Bills or Abstracts of Local Officers, ...	17th April, 1850.	100
Requests that the Salary Bills of Mr. H. B. Riddell, Post Master General, North Western Provinces, may be discharged, whenever presented duly audited for payment, the gross amount of which is to be charged under a head of "By Post Office Remittances," supported by the Audited Vouchers. The deductions indicated therein on account of the Civil and Annuity Funds, &c. to be credited in the usual manner, ...	26th January, 1850.	101
Mr. Riddell also declared entitled to Drafts payable at sight from one District Treasury upon another, to an amount not exceeding his Salary, ...	Ditto.	*ib.*
Intimates formation of a new Treasury at Sumbulpore, under the Huzareebagh Agency in January last, having authority to draw Bills on other Treasuries; and requests that all Bills drawn by the Principal Assistant Agent there may be honored, and the amounts debited in the accounts under "Bills," subordinate to "Remittances of the Revenue Department," against the "Bengal Presidency,"	20th August, 1850.	*ib.*
Authorizes Bills to be drawn on the above Officers, for ordinary public purposes, ...	Ditto.	*ib.*
Requests that Sumbulpore be added as No. 28 A. under Singhbhoom, in the List of Bengal Treasuries, given at pages 118 and 195 of Accountant's Manual, ...	Ditto.	*ib.*
Requests that the objectionable practice may be guarded against on all occasions of issuing Bills of Exchange upon other Treasuries in favor of Secretaries of Banks, and other private Joint Stock Companies or in favor of the Companies themselves, without specification of the names of the individuals to whom the amounts are payable, and directs insertion in such Bills the proper name of a party as payee, ...	16th October, 1850.	[102 101 &

Subject.	*Date.*	*Page.*
The above Rule not to be considered as so strictly applying to Bills drawn in favor of persons holding appointments under Government, but even in such cases, the names and official designations of parties are to be given, ...	16th October, 1850.	[102 101 &
The Rule to be held applicable to endorsements which are to bear the proper names of the endorsees, ..	Ditto.	*ib.*
Requests that on occasions of returning Articles into Store, which were obtained from Magazines, and obtaining Receipts for the same from the Officer in charge of the Magazine, extracts be procured from the said Officer of the Survey Reports held on the articles, exhibiting their condition on receipt, and to forward both documents to Secretary to the Military Board, ...	4th December, 1850.	102
This course is not only to be followed, but to be pointed out to such Officers against whom items may be pending adjustment in the Local Accounts under instructions from this Office, ...	Ditto.	*ib.*
Intimates that the Treasury under charge of the Superintendent at Darjeeling has been transferred by authority to the Revenue Department from 1st May 1850, and requests that Bills drawn by that Officer should in future be debited to the head "Bills payable of the Revenue Department" subordinate to the Bengal Presidency, ...	16th December, 1850.	[103 102 &
Notifies inconvenience which arises from illegibility of signatures, and requests all Officers having transactions with the Public Treasuries, particularly those who are required to furnish accounts, or in charge of Treasuries, when attesting Accounts, Letters, Drafts, Advices, Receipts, Endorsements, and the like, to write their names and Offices in a clear and legible hand. Any Draft or Document, relating to a money transaction, will be liable to be returned, if the attesting signature cannot be clearly deciphered, ...	2nd July, 1850.	103

ACTS AND ORDERS

FOR THE

NORTH WESTERN PROVINCES.

ACTS.

ACT No. IV. of 1850.

For the amendment of Procedure in Cases of Appeal to the Sudder Court.

Whereas inconvenience has resulted from the rule allowing petitions of Appeal to the Sudder Dewanny Adawlut from Judgments of Principal Sudder Ameens, or of the Judges of the Zillah or City Courts, to be presented either in the Sudder Court, or in the Court in which the decision was passed, and from the rule allowing the specific objections to the Judgment and detailed grounds and reasons for preferring the Appeal to be, at the option of the party, either stated in the original petition of Appeal, or afterwards filed in the Court trying the Appeal, as a separate pleading, It is enacted as follows, in modification of Section X. Regulation VI. 1793, Section III. Regulation XII. 1797, and Section VIII. Regulation XXVI. 1814, of the Bengal Code.

I. Every petition of Regular Appeal, in a case appealable to the Sudder Court, shall be presented to the Court in which the decision was passed, within six weeks from the day of the decision: such petition of Appeal shall contain only notice that the party, being dissatisfied with the Judgment, is desirous of appealing from it.

II. The proceedings held in the cause of Appeal shall be certified to the Sudder Dewanny Adawlut as soon as conveniently may be done; and notice thereof in writing shall be given to the appellant.

III. Within three months after receipt of such notice the appellant shall present to the Sudder Dewanny Adawlut the specific objections to the Judgment and detailed reasons for preferring the Appeal; otherwise it shall be dismissed, unless he shall show reasonable cause to the satisfaction of the Sudder Court for his default.

The 15th February, 1850.

ACT No. VI. OF 1850.

For enabling the Commander-in-Chief to pardon Military Offences.

Whereas the power of pardoning persons under sentence of a Court Martial, for offences which are not punishable by any other authority, may be entrusted to the Commander-in-Chief of the Military Forces in the service of the East India Company in each Presidency, but in all other cases ought to belong only to the Supreme Government, It is enacted as follows:

I. The Commander-in-Chief of the Military Forces in the service of the East India Company in each Presidency, shall have power to pardon any person belonging to the said Forces, convicted by sentence of a Court Martial of any offence against the Articles of War framed for the Government of the Native Officers and Soldiers in the Military Service of the East India Company, which, wherever committed, is not punishable otherwise than by sentence of a Court Martial; or, instead of granting a full pardon to any such person, may remit any part of the punishment awarded for such offence.

II. In such cases, the Commander-in-Chief shall issue a Warrant under his hand, setting forth the offence, and a copy of the Warrant or other instrument by which the offender is kept in custody in execution of the sentence, and pardoning or remitting such part of the punishment awarded for the offence as to him shall seem fit.

III. The said Warrant shall be countersigned by the Magistrate of the Zillah, or City in which the offender is undergoing his sentence; or, if he is confined in any prison belonging to one of the Supreme Courts of Judicature established by Royal Charter, shall be countersigned by a Judge of such Court, if it shall appear to such Magistrate or Judge that the offence, wherever committed, is not punishable by any authority other than that of a Court Martial; but not otherwise.

IV. All Sheriffs, Gaolers, and other persons having custody, of any offender under sentence of a Court Martial, shall obey and give effect to any Warrant of the Commander-in-Chief, countersigned by a Magistrate, or Judge of the Supreme Court as aforesaid, for the pardon and release of any offender in their custody respectively, or for the remission of any part of his sentence.

The 15th March, 1850.

ACT. No. VII. OF 1850.

An Act for better defining the Law as to the removal of Prisoners.

Whereas, by the Regulations in force, prisoners may in certain cases be removed from one prison to another by special order of the Nizamut Adawlut or Foujdaree Adawlut, and in other cases by the Governor or Governor in Council of the Presidency; and it is expedient that the Government should be empowered to direct such removal, in every case which appears necessary, without application to the Court for a special order, It is enacted as follows:

I. Act VIII. 1844, is repealed.

II. When any person is under sentence of imprisonment, within the territories under the Government of the East India Company, by any Authority other than that of one of the Supreme Courts of Judicature established by Royal Charter, the Governor or Governor in Council, or other person administering the Government of the Presidency or Place, may order the removal of such prisoner from the prison, or place, in which he is confined, to any other public prison or place of confinement within the same Presidency or Government.

III. The time of removal from one prison to another, or while the prisoner is in custody under such Warrant of removal, shall reckon as part of his imprisonment.

The 15th March, 1850.

ACT No. VIII. OF 1850.

An Act to amend the law for enabling Zillah and City Judges and Principal Sudder Ameens, in certain cases of appeal, to confirm the decision without summoning the Respondent.

Whereas it will lessen the delay and expense of Appeals, if the powers possessed by Zillah and City Judges of confirming decisions on certain Appeals without serving any notice on the Respondents, are extended to Principal Sudder Ameens, It is enacted as follows:

I. The powers given to Zillah and City Judges by Clause Third, Section XVI. of Regulation V. 1831 of the Bengal Code, are extended to Principal Sudder Ameens, in all Appeals referred to them.

II. Every Judge and Principal Sudder Ameen who shall confirm any decision under the said Regulation, or this Act, without giving notice to the Respondent, shall record his reasons for rejecting the Appeal.

The 15th March, 1850.

ACT No. XII. OF 1850.

For avoiding loss by the default of Public Accountants.

For better avoidance of loss through the default of Public Accountants, It is enacted as follows.

I. Every Public Accountant shall give security for the due discharge of the trusts of his office, and for the due account of all moneys which shall come into his possession or control, by reason of his office.

II. In default of any Act having special reference to the office of any Public Accountant, the security given shall be of such amount and kind, real or personal, or both, and with such sureties, (regard being had to the nature of the office), as shall be required by any rules made or to be made from time to time, by the authority by which each Public Accountant is appointed to his office, subject to the approval of the Governor or Governor in Council of the Presidency or Place.

III. Every person is a Public Accountant within the meaning of this Act, who, by reason of any office held by him in the service of the East India Company is entrusted with the receipt, custody or control of any moneys or securities for money, or the management of any lands belonging to the East India Company, or as Official Assignee or Trustee, or as Surberakar, or in any other official capacity. With the receipt, custody or control of any moneys or securities for money, or the management of any lands belonging to any other person or persons.

IV. The person or persons at the head of the office to which any Public Accountant belongs may proceed against any such Public Accountant and his Sureties, for any loss or defalcation in his accounts, as if the amount thereof were an arrear of land revenue due to Government.

V. All Regulations and Acts now or hereafter to be in force for the recovery of arrears of land revenue due to Government, and for recovery of damages by any person wrongfully proceeded against for any such arrear, shall apply, with such changes in the forms of procedure as are necessary to make them applicable to the case, to the proceedings against and by such Public Accountant.

VI. All sales of Estates, summarily sold before the passing of this Act, in satisfaction of the security bonds of any Public Accountants within the meaning of this Act, shall be deemed as good and valid, and be as liable to be reviewed and annulled, as if such Estates had been sold under authority of this Act, and no further or otherwise.

The 22nd March, 1850.

ACT No. XIII. of 1850.

For Punishing Breaches of Trust.

For the punishment of Breaches of Trust, It is enacted as follows:

I. Every person employed in the Public Service of Her Majesty, or of the East India Company, and entrusted, by reason of such employment, with the receipt, custody or control of any chattel, money, or valuable security, who shall embezzle the same or any part thereof, or in any manner fraudulently apply, use, or dispose of the same, or any part thereof for any purpose other than a purpose to which the same is applicable under the trust reposed in him, shall be deemed to have feloniously stolen the same.

II. All Official Trustees, Assignees and Receivers of Money, by virtue of their several offices or appointments, all Justices of the Peace, Coroners, and other persons receiving by virtue of their offices or appointments any fines, forfeitures, penalties or other moneys, on behalf of Her Majesty or of the East India Company, all Sheriffs, Under Sheriffs, Bailiffs, Officers and other persons employed to levy money in execution of the judgment or order of any Court, or in receiving any taxes or other moneys directed to be levied by any Regulation of the Governor or Governor in Council of any Presidency or Place or by any Act of the Governor General of India in Council, and also all Subordinate Officers, and Servants employed in the office or service of any of the persons hereinbefore enumerated, and entrusted with money in the course of such employment, are declared to be persons employed in the public service within the meaning of this Act; but this special enumeration of some of the persons included in the general description of persons in the public service of Her Majesty or the East India Company, shall not be taken to abridge the meaning of that general description.

III. The Clauses respectively numbered XCIX, C, CI, CII, CIII, and CIV, in an Act of Parliament passed in the ninth year of the Reign of King George the Fourth, intituled an Act for improving the Administration of Criminal Justice in the East Indies, are repealed, except as to all things done or forborne to be done before the passing of this Act.

IV. Every Clerk or Servant, who shall steal any chattel, money or valuable security, belonging to or in the possession or power of his Master, shall be punishable in the same manner as persons convicted of felonious stealing under this Act.

V. Every Clerk or servant, or any person employed for the purpose, or in the capacity of a Clerk or Servant, who shall by virtue of such employment, receive or take into his possession any chattel, money or valuable security, for or in the name or on the account of his Master, and who shall fraudulently embezzle the same or any part thereof, shall be deemed to have feloniously stolen the same from his Master, although such chattel, money or security was not received into the possession of his Master, otherwise than by the actual possession of his Clerk, Servant or other person so employed.

VI. Every Member and Officer of a trading Corporation or Company, and also every Banker, Merchant, Factor, Broker, Attorney, or other Agent, whether he be commonly so employed, or be employed as an Agent in that instance only, and whether he act as such Agent gratuitously or otherwise, to whom any chattel, money or valuable security is entrusted for safe custody, or for any special purpose, and whether with or without any authority to sell, negotiate, pledge or employ the same, but with an authority limited to some defined purpose as to the application of such money, chattel or valuable security, or of any part thereof, or of the proceeds or of any part of the proceeds thereof, who shall fraudulently apply, use or dispose of the same or any part of the proceeds thereof, for any purpose other than a purpose for which the same was entrusted to him, shall be deemed to have feloniously stolen the same.

VII. Every Sub-Agent, Clerk or Servant of any such Trading Corporation or Company, or of any Banker, Merchant, Factor, Broker or other Agent as aforesaid, who, knowing the purpose for which such chattel, money or valuable security was

entrusted to the Corporation, Company, person or persons, by whom he is employed, shall fraudulently apply, use or dispose of the same for any purpose other than a purpose for which the same was entrusted to his employer or employers, shall be deemed to have feloniously stolen the same though he were not himself immediately employed or entrusted with the disposition thereof by the person entitled thereto.

VIII. Every person, possessed, or having the receipt, custody or control, of any chattel, money or valuable security, in trust for any other person or persons, who shall embezzle the same or any part thereof, or in any manner fraudulently apply, use or dispose of the same, for his own use or benefit, in breach of the trust reposed in him, shall be deemed to have feloniously stolen the same.

IX. Every person convicted of having feloniously stolen any chattel, money or valuable security under this Act, shall be liable to be transported out of the territories under the Government of the East India Company for life, or to be imprisoned with or without labor for any term not exceeding seven years.

X. Every instrument entitling or shewing the title of any person to any share or interest in any public stock or fund of any Country or State, or in any Stock of any Corporation or Company, or for the transfer of any such share or interest, or for the receipt of any dividend or interest on any such share, or entitling or shewing the title to any deposit in any Bank, and every warrant, order, or instrument for the payment of any money on any event certain or contingent, or for the delivery or receipt of any goods, or merchandize, on any such event, is a valuable security within the meaning of this Act.

XI. Any offender under this Act may be proceeded against on the same charge for any number of distinct acts of embezzlement or fraudulent application, use or disposition as aforesaid, committed by him within six calendar months, from the first to the last of such acts: and proof of a gross deficiency in the accounts of any such Trustee or Public Servant, shall be evidence of the offence charged, until such deficiency is otherwise explained.

XII. If the offence relates to money or to any Bank Note, Bank Post Bill, Banker's Cheque, Bill of Exchange, Promissory Note, Government Paper, or other like security for the payment of money, it shall be enough in the indictment or charge to allege the embezzlement or fraudulent application, use or disposition of money, without specifying any particular coin or valuable security; and such allegation shall, so far as regards the kind of property, be sustained, if the offender is proved to have embezzled or fraudulently applied, used or disposed of any amount of money or any valuable security, though the particular kind of coin or valuable security, of which such amount was composed shall not be proved.

XIII. It shall not be necessary, in any proceeding against any offender under this Act, to declare the person to whom the property embezzled or fraudulently applied or disposed of belongs otherwise than hereinafter provided, or to give any other description of it than by stating its general character according to the provisions of this Act; and if the offence be that of embezzlement or fraudulent application, use or disposition, by a person in the public service of the Crown, or of the East India Company, of

property entrusted to him by reason of such employment, or part thereof, it shall be enough to state that the defendant was in such service, and that he received the property by reason of such employment and embezzled the same, or part thereof, or fraudulently applied, used or disposed of the same as the case may be: and, if the case be one of fraudulent application use or disposition by any person not being such public servant but entrusted as aforesaid, it shall be enough to state that such person was entrusted with the property (describing its general character as aforesaid), and it shall be enough to state shortly the purpose of the trust, and that he fraudulently applied, used or disposed of the same contrary to his duty in that behalf.

XIV. The Court before which any offender is tried under this Act shall have power upon the trial to make any amendments that may be necessary, by reason of any variance between the statements of the charge and the evidence, either in the description of the property, or of any person, or of any office, appointment or employment, or of the purpose of the trust or otherwise, when in the opinion of the Court the person charged cannot have been misled as to his defence by such imperfect or erroneous statement.

XV. Every offender under this Act may be tried and punished by any Court of competent jurisdiction either in the place where he is in custody, or where he committed the offence.

XVI. The punishment of any offender under this Act shall not be deemed to take away or lessen his liability or the liability of his sureties to make good any loss sustained by Her Majesty or the East India Company, or any other person or persons by his misbehavior or breach of trust.

XVII. Every person charged with a felonious breach of trust under this Act, who shall be proved to have knowingly made up or furnished false statements or accounts of the sums of money received or paid by him, or entrusted to his care, or of the goods or balance of money in his custody or control, shall be liable to fine in the discretion of the Court, although no actual embezzlement or fraudulent application, use or disposition of trust, moneys, chattels, or valuable securities is proved against him, and in addition to such fine may be imprisoned, with or without labor, as the Court shall adjudge, for any term not exceeding one year; but no person convicted of felonious breach of trust as aforesaid shall be punished also for making up false accounts in connection with the same breach of trust.

The 22nd March, 1850.

ACT No. XV. OF 1850.

An Act to extend the operation of Sections X. and XII. Regulation XXVI. 1814, *of the Bengal Code.*

Whereas it is expedient for the better administration of justice to extend the provisions of Section X. Regulation XXVI. 1814, and make them applicable to Suits instituted in the Courts of the Moonsiffs, It is enacted as follows:

I. From the passing of this Act, Sections X. and XII. Regulation XXVI. 1814, shall be applicable to all suits instituted in the Courts of the Moonsiffs, in the Presidency of Fort William in Bengal.

II. The provisions of Act XII. 1843, shall apply to all points which the Court shall record as the points to be established, or on which proof is required by the Court according to Section X. Regulation XXVI. 1814, and to this Act.

The 4th April, 1850.

ACT No. XVI. OF 1850.

An Act for restitution of the value of Stolen Property.

Whereas it is expedient that the several Criminal Courts within the Territories under the Government of the East India Company be empowered to add the punishment of fine to the punishments already provided for persons convicted before them of certain offences respecting Property, and to apply the same for the benefit of those who have suffered by such offences, It is declared and enacted as follows:

I. All Criminal Courts within the said Territories may add to the punishment competent to them to inflict upon persons convicted before them of robbery, theft, embezzlement, knowingly receiving stolen goods, cheating or other wrongful appropriation of Property, or of being accessory or privy to any such offence, the punishment of fine, not exceeding the loss appearing to be caused to the several persons, who have suffered by such wrong: and may pay and distribute the proceeds of the said fine or any part thereof, to or for the benefit of the said several persons, according to the discretion of the Court.

II. Payment of every such fine be enforced by distress and sale under the order of the Court, of the goods of the offender.

The 4th April, 1850.

ACT No. XVIII. OF 1850.

An Act for the protection of Judicial Officers.

For the greater protection of Magistrates and others acting judicially, It is enacted as follows:

I. No Judge, Magistrate, Justice of the Peace, Collector, or other person acting judicially shall be liable to be sued in any Civil Court, for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction; provided, that he at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of: and no Officer of any Court or other person, bound to execute the lawful Warrants or orders of any such Judge, Magistrate, Justice of the Peace, Collector, or other person acting judicially shall be liable to be sued in any Civil Court, for the execution of any Warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same.

The 4th April, 1850.

ACT No. XIX. OF 1850.

Concerning the binding of Apprentices.

For better enabling children, and especially orphans and poor children brought up by public charity, to learn trades, crafts and employments, by which, when they come to full age, they may gain a livelihood, It is enacted as follows:

I. Any child, above the age of ten, and under the age of eighteen years, may be bound apprentice by his or her father or guardian to learn any fit trade, craft or employment for such term as is set forth in the contract of apprenticeship, not exceeding seven years, so that it be not prolonged beyond the time when such child shall be of the full age of twenty-one years, or in the case of a female, beyond the time of her marriage.

II. The age set forth in the contract shall be evidence of the age of the child, in all questions which arise as to the right of the master to the continuance of the service.

III. Any Magistrate or Justice of the Peace may act with all the powers of a guardian under this Act, on behalf of any orphan, or poor child abandoned by its parents, or of any child convicted before him, or any other Magistrate, of vagrancy, or the commission of any petty offiencs.

IV. An orphan or poor child, brought up by any public charity, may be bound apprentice by the Governors, Directors or Managers thereof, as his or her guardians for this purpose.

V. Any such boy may be bound as an apprentice in the sea service to any of Her Majesty's subjects being the owner of any registered ship belonging to and trading from any port in the territories under the Government of the East India Company, which has been declared to be a registering port under Act X. 1841, to be employed in any such ship the property of such person, commanded by a British subject, and while so employed, to be taught the craft and duty of a seaman.

VI. Any such boy may be bound in like manner for sea service in any ship of the East India Company belonging to any such port, commanded by a British subject, in which case the contract shall be made with the Master Attendant at such port, or any officer appointed to represent the East India Company in this behalf, who shall appoint the ship in which such apprentice is to serve from time to time.

VII. The Master or Commander of any ship in which an apprentice bound to the sea service shall be appointed to serve by the party to whom he is bound, shall be deemed the agent of such party for the purpose of this Act.

VIII. Every contract of apprenticeship shall be in writing according to the form given in the Schedule (A.) annexed to this Act, or to the like effect, which shall set forth the conditions agreed upon, particularly specifying the age of the apprentice, the term for which he is bound, and what he is to be taught.

IX. Every such contract shall be signed by the person to whom the apprentice is bound and by the person by whom he is bound, and by the apprentice, when he is of the age of fourteen years or more at the time of binding; but when the apprentice is bound by the Governors, Directors or Managers of a Public Charity, the signature of two of them, or of their Secretary or Officer, shall be sufficient on behalf of the persons binding the apprentice.

X. No such contract shall be valid unless it be executed in the manner aforesaid, nor until it has been deposited in the office of the Chief Magistrate of the place or district where it has been executed, or if the apprentice is bound to the sea service, in the office of the person appointed under Act. X. 1841, to make registry of ships at the port where the apprentice is to begin his service; and the person in whose office any such contract is deposited shall give to each of the parties a copy thereof, certified under his hand, which certified copies shall be received as evidence of the contract, without formal proof of the hand-writing of the Magistrate or Registering Officer.

XI. The terms of service may be changed at any time during the apprenticeship, or the contract may be determined, with the consent of both parties to the contract or their personal representatives, and with the consent of the apprentice, if he is above the age of fourteen years; provided, that the changes agreed to, or the termination of the contract shall be expressed in writing on the original contract, with the signature of the proper parties according to Section VIII. of this Act; and the Magistrate or Registering Officer shall thereupon make under his hand corresponding endorsements on the office copies, which shall be brought to him at the same time for that purpose.

XII. The master of any apprentice bound under this Act may, with the consent of the person by whom he was bound, and with the consent of the apprentice, if he is above the age of fourteen years, assign such apprentice to any other person, who is willing to take him for the residue of his apprenticeship, and subject to the conditions thereof; provided that such person shall, by endorsement under his own hand on the contract, declare his acceptance of such apprentice, and acknowledge himself bound by the agreements and covenants therein mentioned to be performed on the part of the master, and that the consent of the other parties aforesaid shall be expressed in writing on the same, and signed by them respectively: And every such assignment shall be certified on the office copies of the contract under the hand of the Magistrate or Registering Officer according to the form given in Schedule (B.) annexed to this Act.

XIII. Upon complaint made to any Magistrate in the said territories by, or on behalf of any apprentice bound under this Act, of refusal or neglect to provide for him, or to teach him according to the contract of apprenticeship, or of cruelty, or other ill-treatment by his master, or by the agent under whom he shall have been placed by his master, the Magistrate may summon the master or his agent, as the case may be if he shall be within his jurisdiction, to appear before him at a reasonable time, to be stated in the summons, to answer the complaint; and at such time, whether the master or his agent be present or not (service of the summons being proved), may examine into the matter of the complaint; and, upon proof thereof, may cancel the contract of apprenticeship, and assess upon the offender, whether he shall be the master or his agent, a reasonable sum for behoof of the apprentice, not exceeding four times the amount of the premium paid upon the binding, or if no premium or a less premium than Fifty Rupees was paid, not exceeding Two Hundred Rupees; and, if the offender shall not pay the sum so assessed, may levy the same by distress and sale of his goods and chattels, and if the offender shall not be the master but his agent, by distress and sale of the goods and chattels of the master also.

XIV. No contract of apprenticeship shall be cancelled, nor shall any master or his agent, be liable to any criminal proceeding, on account of such moderate chastisement for misbehaviour, given to any apprentice by his master or the agent of his master, as may lawfully be given by a father to his child: and the provision for enabling the contract of apprenticeship to be cancelled shall not bar any criminal proceeding against any master or his agent for an assault or other offence committed against his apprentice, for which he would be liable to be punished, had it been against his child; whether or not any proceedings be taken for cancelling the contract of apprenticeship.

XV. Upon complaint made to any Magistrate, by, or on behalf of the master of any apprentice bound to him under this Act, of any ill behaviour of such apprentice, or if such apprentice shall have absconded, the Magistrate may issue his Warrant for apprehending such apprentice, and may hear and determine the complaint and punish the offender by an order for keeping the offender, if a boy, in confinement in any debtor's prison or other suitable place, not being a criminal gaol, for any time not exceeding one month, of which one week may be in solitary confinement, during which time such allowance shall be made for his subsistence by the master or his agent as the Magistrate shall order; and if the offender be a boy of not more than fourteen years of age, may order him to be privately whipped: or, if the offender be a girl, or in the case of any boy, the Magistrate deem any such punishment unfit, he may pass an order

empowering the master of the apprentice or his agent to keep the offender in close confinement in his own house, or on board the vessel to which he belongs upon bread and water, or such other plain food as may be given without injury to the health of the apprentice, for a period not exceeding one month.

XVI. Upon complaint of wilful and repeated ill behaviour on the part of the apprentice, and on the demand of the master, the Magistrate may order the contract of apprenticeship to be cancelled, whether or not the charge is proved; but only with the consent of the apprentice and of his father or guardian, if the charge is not proved: and such cancelling shall be with or without refund of the whole or part of any premium that may have been paid to the master on binding such apprentice, as to the Magistrate seems fit on consideration of the case; and all sums so refunded shall be applied under the direction of the Magistrate for behoof of the apprentice.

XVII. The Magistrate may order any sum recovered for behoof of the apprentice on cancelling the contract to be either laid out in binding him to another master, or otherwise for his benefit, or to be paid to the person by whom any premium was paid when he was bound apprentice.

XVIII. No Magistrate shall entertain a complaint on the part of a master against an apprentice under this Act, unless it be brought within one month after the cause of complaint arose; or if the cause of complaint arose on board ship during a voyage, within one month after the arrival thereof at port or place in the said territories: and no Magistrate shall entertain a complaint on the part of an apprentice against his master or the agent of his master under this Act, unless it be brought within three months after the cause of complaint arose; or if the cause of complaint arose on board ship during a voyage, within three months after the arrival thereof at port or place in the said territories.

XIX. If the master of any apprentice shall die before the end of the apprenticeship, the contract of apprenticeship shall be thereby determined; and a proportionate part, corresponding to the unexpired portion of the term, of any premium, which shall have been paid to such master on the binding of the apprentice to him, shall be returned by the executors or administrators out of the estate of the deceased to the person or persons who shall have paid the same; unless the executors or administrators of the deceased master shall continue the business in which such apprentice shall have been employed, and shall, within three months from the death of the late master, make offer in writing to keep the apprentice on the terms of the original contract; in which case the estate of the deceased shall be discharged from all liabilities on account of such premium.

XX. If such offer to keep the apprentice shall be made as aforesaid, the same shall be fully expressed and certified by the executors and administrators on the original contract of apprenticeship; and also on the office copies thereof, by the Magistrate or Registering Officer; and the apprentice shall be bound to the executors or administrators so keeping him for the remaining term of his apprenticeship.

XXI. Any apprentice bound under this Act whose master shall die during the apprenticeship, shall be entitled to maintenance for three months from and after the

death of his master, out of the assets left by him; provided that during such three months such apprentice shall continue to live with, and serve as an apprentice, the executors or administrators of such master, or such person as they shall appoint.

XXII. The apprentice of any person against whom a Commission of Bankruptcy shall be issued, or who shall be adjudged to have committed an act of insolvency, during the apprenticeship, shall be discharged from all obligation under the contract of apprenticeship; and, if any premium was paid on binding him as an apprentice, he or the person by whom he was bound shall be entitled to claim the amount thereof, as a debt against the estate of the Bankrupt or Insolvent.

XXIII. For the purposes of this Act, all British subjects, wherever or of whatever parents born, as well as other persons in the territories under the Government of the East India Company, without the Towns of Calcutta and Madras, and the Town and Island of Bombay, shall be amenable to the jurisdiction of the Courts and Magistrates of the East India Company.

XXIV. An appeal shall lie from any order passed by any Magistrate without the said Towns and Island to the Court of Session to which such Magistrate is subordinate, provided the appeal is made within one month from the date of the order.

XXV. In this Act the words "master," "owner" "person," and the pronoun "he" shall be understood to include several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless there is something in the context repugnant to such construction.

SCHEDULE A.

FORM OF AGREEMENT.

This agreement made the day of in the year between A. B., of and C. D., of witnesseth that the said A. B. doth this day bind E. F. a boy (or girl) of the age of years completed, son (or daughter) of the said A. B. (or otherwise describing the relation in which A. B. and E. F. stand) to dwell with and serve the said C. D., as an apprentice, from this day forth for years, (in the case of a girl add, or until the time of her marriage, which shall first happen), during all which term the said apprentice shall duly and faithfully serve the said C. D., according to his (or her) skill and ability in all lawful business, and demean and behave himself (or herself) honestly, orderly and obediently, in all things toward the said C. D., and his (or her), family. And the said C. D. for himself (or herself) and his (or her) executors and administrators in consideration [of the premium or sum of paid by the said A. B., to the said C. D., the receipt whereof the said C. D. hereby acknowledges, and] of the faithful service of the said E. F. doth covenant and agree with the said A. B., his (or her) executors and administrators, that he (or she) will teach or cause to be taught to the said E. F., in the best way and manner that he (or she) can, the trade (craft or employment) of a during the said term; and will also,

If there is no premium the words between brackets may be omitted.

during the said term, find and allow unto the said apprentice good, wholesome and sufficient food, clothes, lodging, washing, and all other things necessary, fit and reasonable for an apprentice ; (and further *here insert any special covenants).*

In witness whereof the parties have hereunto set their hands and seals, the day and year above written.

A. B. L. S.

C. D. L. S.

SCHEDULE. B.

FORM OF ORDER OF ASSIGNMENT.

(To be endorsed on the agreement),

Be it known to all men that on the day of in the year personally appeared before G. H., Magistrate of C. D., of with E. F., his (or her) apprentice, and J. K., of and desired that the Agreement of Apprenticeship, whereby the said E. F., was bound to the said C. D., might be assigned and made over to the said J. K.; and the said G. H., having satisfied himself, by personal examination of the said E. F., and by other lawful ways and means, that such assignment is for the benefit of the said E. F. and is made with the consent of [the said E. F. and of] all persons whose consent thereunto by law is required, doth allow such assignment : and the contract of apprenticeship whereby the said E. F. was on the day of in the year bound to the said C. D., as an apprentice to learn the trade (craft or employment) of a shall hence forth endure, unto the end of the said term, as if the said J. K. had been originally party to the said deed, and had executed the same, in the place and stead of the said C. D., and shall be bound, for himself (or herself) his (or her) executors or administrators, to fulfil the covenants by the said C. D., to be performed, and the said E. F. shall henceforth be bound unto the said J. K., in like manner as he (or she) was by the said agreement bound unto the said C. D.

If E F. is not above the age of fourteen years, the words between brackets may be omitted.

C. D. E. F. J. K.

In witness whereof the said C. D., E. F. and J. K. have hereunto set their hands before me the day and year above written.

G. H.

The 11th April, 1850. *Magistrate.*

ACT No. XXI. OF 1850.

An Act for extending the Principle of Section IX. Regulation VII. 1832, *of the Bengal Code, throughout the Territories subject to the Government of the East India Company.*

Whereas it is enacted by Section IX. Regulation VII. 1832, of the Bengal Code, that "whenever in any civil suit the parties to such suit may be of different persuasions, when one party shall be of the Hindoo and the other of the Mahomedan persuasion, or where one or more of the parties to the suit shall not be either of the Mahomedan or Hindoo persuasions, the laws of those religions shall not be permitted to operate to deprive such party or parties of any property to which, but for the operation of such laws, they would have been entitled;" And whereas it will be beneficial to extend the principle of that enactment throughout the territories subject to the Government of the East India Company, It is enacted as follows:

I. So much of any law or usage now in force within the territories subject to the Government of the East India Company, as inflicts on any person forfeiture of rights or property, or may be held in any way to impair or affect any right of inheritance, by reason of his or her renouncing, or having been excluded from communion of any religion, or being deprived of caste, shall cease to be enforced as Law in the Courts of the East India Company, and in the Courts established by Royal Charter within the said territories.

The 11*th April,* 1850.

ACT No. XXV. OF 1850.

An Act for the forfeiture to Government of Deposits made on incomplete Sales of Land under Regulation VIII. 1819, *and Act IV.* 1846.

Whereas Putneedars and Judgment Debtors fraudulently avail themselves of the provision in Section IX., Regulation VIII. 1819, of the Bengal Code, and in Section V. Act IV. 1846, that forfeited deposits at Sales of Land in execution of decrees or for arrears of rent shall be applied as if they were purchase money, It is enacted as follows:

I. So much of Section IX., Regulation VIII. 1819, of the Bengal Code, and of Sections V. and IX. Act IV. 1846, as provides that the deposit at any sale of Land, or any interest in Land, under the said Regulation or Act, if forfeited, shall be regarded as part of the proceeds of the sale, or applied as if it were purchase money, is repealed.

II. Any such forfeited deposit shall be applied to defray the expences of the sale, and the surplus shall be forfeited to Government.

The 14*th June,* 1850.

ACT No. XXVI. OF 1850.

An Act to enable improvements to be made in Towns.

Whereas Act X. 1842, was passed for enabling the inhabitants of any place of public resorts or residence, under the Presidency of Fort William, not within the Town of Calcutta, to make better provision for purposes connected with public health and convenience, but the said Act has proved ineffectual for the purpose, and it is expedient to amend the provisions thereof, and to extend the like powers to the inhabitants of Towns in the other Presidencies under the Government of the East India Company, It is enacted as follows:

I. Act X. 1842, is repealed.

II. If it shall appear to the Governor or Governor in Council, or Lieutenant Governor, of any Presidency or Place within the Territories under the Government of the East India Company, that the inhabitants of any Town or Suburb, not within the Town of Calcutta, Madras, or Bombay, are desirous of making better provisions for making, repairing, cleaning, lighting, or watching any public streets, roads, drains, or tanks, or for the prevention of nuisances, or for improving the said Town or Suburb in any other manner, the said Governor or Governor in Council, or Lieutenant Governor, may order this Act to be put in force within such Town or Suburb.

III. Whenever any application shall be made to the Government for putting this Act in force in any Town or Suburb, notice thereof shall be given in the *Government Gazette* of the Presidency, or Place, and also by proclamation within such Town or Suburb, setting forth the purposes of the application, and giving reasonable time for all inhabitants of such Town or Suburb, who are minded to declare themselves for or against the adoption of this Act therein, for such purposes or any of them.

IV. The Governor or Governor in Council, or Lieutenant Governor, shall take all such declarations into due consideration, and after the time allowed for receiving the same, shall make a final order which shall be published in the *Government Gazette*, and also notified by proclamation within such Town or Suburb, to the effect that the application appears or does not appear, to be according to the wishes of the inhabitants, either wholly, or in respect to one or more of the purposes in respect of which it is made; and if the whole or any part of it shall appear to be according to the wishes of the inhabitants, then that this Act shall be thenceforth in force in such Town or Suburb, for such purposes only as shall be mentioned in the Order.

V. Whenever any such order shall be made and published as aforesaid, this Act shall come into force within the said Town or Suburb, for such purposes as are mentioned in the Order, and the making and publication of the said Order shall be conclusive evidence that the provisions of this Act have been complied with, and that it is thenceforth in force within the said Town or Suburb, for such purposes as are mentioned in the Order.

VI. Whenever this Act shall come into force in any Town or Suburb, the Governor or Governor in Council, or Lieutenant Governor, shall appoint the Magis-

trate and such number of the inhabitants thereof as to him shall appear necessary, to be Commissioners for putting the Act in force, and shall give authority to them to prepare Rules for more effectually accomplishing the purposes for which they are appointed; which Rules, when approved by the Governor or Governor in Council, or Lieutenant Governor, shall be of the same force within the said Town or Suburb until altered or rescinded as hereinafter provided, as if they were inserted in this Act. And the said Governor or Governor in Council, or Lieutenant Governor, may remove any of the Commissioners and appoint others, and may fill up vacancies occurring among the Commissioners in such manner as may seem to him fit.

VII. The Rules to be prepared by the said Commissioners shall provide, among other things, for those following, that is to say:

1. The appointment and management of all necessary Officers and Servants of the Commissioners, and the salaries to be allowed to them.

2. The definition of the persons or property within the Town or Suburb to be taxed for raising the monies necessary for the purposes of this Act, whether by House Assessment or Town Duties or otherwise, the amount or rate of the taxes to be imposed, the manner of raising and collecting them, and ensuring the safety and due application of them when collected.

3. The manner in which from time to time the Rules in force are to be amended or rescinded, and new Rules are to be made, with the approval in every case of the Governor or Governor in Council or Lieutenant Governor.

4. The definition and prohibition of nuisances within the Town or Suburb.

5. The imposition of reasonable penalties for breach of any Rule made by the Commissioners, not exceeding Fifty Rupees, or in the case of continuing nuisance, not exceeding Five Rupees for every day that such nuisance is continued.

VIII. The Commissioners appointed from time to time shall have full power to make all necessary contracts, for the purposes of this Act, and apply the taxes raised as aforesaid in the necessary works, and in payment of their Officers and Servants, and in the other expenses incident to the execution of this Act within the said Town or Suburb.

IX. No Commissioner shall be personally liable for any contract made by the Commissioners on behalf of the inhabitants of such Town or Suburb; but every Commissioner shall be liable for any misapplication of the monies collected, to which he shall have been knowingly party or privy, or which shall have happened through gross neglect of his duty, and shall be liable to be sued for the same as for money due to, and at the suit of the East India Company.

X. The powers of Act II. 1839, for the recovery of fines, shall be applied for the recovery of all arrears of taxes and penalties under this Act; and every Magistrate shall put in force the powers of the said Act II. 1839 for that purpose, whenever thereunto required by the Commissioners, or any of their Officers deputed by them for the purposes of enforcing payment of arrears of taxes imposed under this Act.

XI. No rate on property made under this Act shall be invalid for defect of form; and it shall be enough in any such rate on property, or any Assessment of value for the purpose of making such rate, if the property rated or assessed shall be so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

XII. All moveable property found in any house or building, or upon any land assessed under this Act may be seized and sold by warrant of a Magistrate for payment of any arrear of tax laid on such house, building or land under this Act.

XIII. All Commissioners acting in execution of this Act shall, on or before the last day of April in every year, make up and send to the Governor or Governor in Council, or Lieutenant Governor, an account of all works executed by them, and of all sums received and spent by them in the foregoing year, in such form and with such vouchers as the Governor or Governor in Council, or Lieutenant Governor shall from time to time order.

XIV. The Governor or Governor in Council, or Lieutenant Governor may, at any time, suspend the operation of this Act in any Town or Suburb, and appoint any person or persons to examine and report upon the behaviour of the Commissioners, or any of them, or their Officers in the execution of this Act.

The 21st June, 1850.

ACT No. XXIX. OF 1850.

An Act to amend Act XXXI. 1838 *for the Prevention of Poisoning.*

For amendment of Act XXXI. 1838, relating to the administration of poison, or other deleterious substance, It is enacted as follows:

I. Whoever shall wilfully and maliciously administer to, or cause to be taken by any person, any poison or any stupifying, or intoxicating drug, or any unwholesome thing, with intent in any of the cases aforesaid to do any permanent, or temporary bodily harm to such person, or with intent to commit, or abet the commission of any unlawful act, shall be liable at the discretion of the Court to be transported to such place as the Court shall direct, for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

II. In any case in which any person shall be charged with administering to, or causing to be taken by any other person any poison, or other destructive thing with intent to commit murder, and the offence proved shall amount, only to an offence under this Act, he may be punished as if he had been charged with an offence under this Act.

III. This Act shall be construed with and as part of Act XXXI. 1838.

The 2nd August, 1850.

ACT No. XXX. OF 1850.

An Act to remove doubts on the Construction of Act I. 1846, *and Act IV.* 1850.

Whereas doubts have been entertained whether or not the operation of Act I. 1846, Section VIII., and of Act IV. 1850, Section I., is retrospective, It is declared and enacted as follows:

I. The provisions of Act I. 1846 shall not be deemed to apply to private agreements between parties and their pleaders made before the passing of the said Act.

II. The time allowed for the presentation of petitions of regular appeal in cases appealable to the Sudder Court, in cases decided before the passing of Act IV. 1850, is three months, instead of six weeks, as provided for the future by the last mentioned Act: and all appeals filed before the passing of this Act in such cases within the said term of three months shall be taken to have been presented in due time, and shall be subject to all the forms and rules in force previous to the passing of Act IV. 1850.

III. The notice required by Section II. of the last mentioned Act to be given in writing to the appellant, may be given by a notice to be affixed in the Court House of the Sudder Dewanny Adawlut, or in such form and manner as the Court shall order, by a rule to be framed under Act XVII. 1841.

IV. Act IV. of 1850 shall not affect appeals by Paupers, which shall be preferred in all respects as heretofore, excepting that the specific objections to the judgment and detailed reasons for preferring the appeal, may be presented within three months instead of six weeks from the date of permission to appeal as a Pauper.

The 9th August, 1850.

ACT No. XXXII. OF 1850.

An Act to repeal Act XV. 1836.

Whereas the reasons for which Subathoo and the other territories annexed thereto were placed under the control in civil cases of the Court of Sudder Dewanny Adawlut, then at Allahabad and now at Agra, no longer exist, It is enacted as follows:

I. Act XV. 1836 is repealed; except as to all cases and proceedings which at the time of the passing of this Act shall be under consideration by said Court, which shall be decided, and the orders passed thereon shall be executed, as if this Act had not passed.

The 16th August, 1850.

ACT No. XXXIV. OF 1850.

An Act for the better Custody of State Prisoners.

Whereas doubts have been entertained whether State Prisoners confined under Regulation III. 1818, of the Bengal Code, can be lawfully detained in any fortress, gaol, or other place, within the limits of jurisdiction of any of the Supreme Courts of Judicature, established by Royal Charter, and it is expedient that such doubts be removed, and the powers of the said Regulation extended to all the territories under the Government of the East India Company, It is enacted as follows:

I. The Warrant of commitment of any State Prisoner, under Regulation III. 1818, of the Bengal Code, may be directed to the Sheriff of the gaol of any of the Supreme Courts of Judicature established by Royal Charter in the said territories, or to the Commandant of any fortress, or to the Officer in charge of any gaol or other place, in which it is deemed expedient that such State Prisoner be confined, in any part of the said territories; and such Warrant shall be sufficient authority for the detention of such State Prisoner in the fortress, gaol or other place mentioned in the Warrant.

II. Regulation III. 1818, of the Bengal Code, shall be extended and applied to every Sheriff, Commandant or Officer, having any State Prisoner in custody, under the said Regulation, as explained and extended by this Act.

III. Any State Prisoner, now confined under any such Warrant within the jurisdiction of any of the said Supreme Courts, under the Warrant of the Governor General in Council, shall be deemed to have been lawfully committed thereunto.

The 23rd August, 1850.

ACT No. XXXVII. OF 1850.

For regulating Enquiries into the behaviour of Public Servants.

Whereas it is expedient to amend the law for regulating inquiries into the behaviour of Public Servants not removable without the sanction of Government, and to make the same uniform throughout the Territories under the Government of the East India Company, It is enacted as follows:

1. The following Acts, VI. 1838, XXVI. 1839, and XIII. 1843 are repealed, but not so as to revive any Act or Regulation, or part of any Act or Regulation thereby repealed.

II. Whenever the Government shall be of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misbehaviour by any person in the service of the East India Company not removeable from his Office without the sanction of the same Government, it shall cause the substance of the imputations to be drawn into distinct Articles of Charge, and shall order a formal and public inquiry to be made into the truth thereof.

III. The inquiry may be committed either to the Court, Board or other authority to which the person accused is subordinate, or to any other person or persons, to be specially appointed by the Government, Commissioners for the purpose: notice of which commission shall be given to the person accused ten days at least before the beginning of the inquiry.

IV. When the Government shall think fit to conduct the prosecution, it shall nominate some person to conduct the same on its behalf.

V. When the charge shall be brought by an accuser, the Government shall require the accusation to be reduced to writing, and verified by the oath or solemn affirmation of the accuser, and every person who shall wilfully and maliciously make any false accusation under this Act, upon such oath or affirmation, shall be liable to the penalties of perjury: but this enactment shall not be construed to prevent the Government from instituting any inquiry which it shall think fit, without such accusation on oath or solemn affirmation as aforesaid.

VI. Where the imputations shall have been made by an accuser, and the Government shall think fit to leave to him the conduct of the prosecution, the Government, before appointing the Commission, shall require him to furnish reasonable security that he will attend and prosecute the charge thoroughly and effectually, and also will be forthcoming to answer any counter-charge or action which may be afterwards brought against him for malicious prosecution, or perjury or subornation of perjury, as the case may be.

VII. At any subsequent stage of the proceedings, the Government may, if it think fit, abandon the prosecution, and in such case may, if it think fit, on the application of the accuser, allow him to continue the prosecution, if he is desirous of so doing, on his furnishing such security as is hereinbefore mentioned.

VIII. The Commissioners shall have the same power of punishing contempts and obstructions to their proceedings, as is given to Civil and Criminal Courts by Act XXX. 1841, and shall have the same powers for the summons of witnesses, and for compelling the production of documents, and for the discharge of their duty under the Commission, and shall be entitled to the same protection as the Zillah and City Judges except that all process to cause the attendance of witnesses, or other compulsory process shall be served through and executed by the Zillah or City Judge in whose jurisdiction the witness or other person resides, on whom the process is to be served, and if he resides within Calcutta, Madras or Bombay, then through the Supreme Court of Judicature there. When the Commission has been issued to a Court, or other person or persons having power to issue such process in the exercise of their ordinary authority, they may also use all such power for the purposes of the Commission.

IX. All persons disobeying any lawful process issued as aforesaid for the purposes of the Commission shall be liable to the same penalties, as if the same had issued originally from the Court or other authority through whom it is executed.

X. A copy of the Articles of charge, and list of the documents and witnesses by which each charge is to be sustained shall be delivered to the person accused, at

least three days before the beginning of the inquiry, exclusive of the day of delivery, and the first day of the inquiry.

XI. At the beginning of the inquiry, the prosecutor shall exhibit the Articles of Charge to the Commissioners, which shall be openly read, and the person accused shall thereupon be required to plead 'guilty' or 'not guilty' to each of them, which pleas shall be forthwith recorded with the Articles of Charge. If the person accused refuses, or without reasonable cause neglects to appear to answer the charge either personally or by his Counsel or Agent, he shall be taken to admit the truth of the Articles of Charge.

XII. The prosecutor shall then be entitled to address the Commissioners in explanation of the Articles of Charge, and of the evidence by which they are to be proved: his address shall not be recorded.

XIII. The oral and documentary evidence for the prosecution shall then be exhibited: the witnesses shall be examined by or on behalf of the prosecutor, and may be cross-examined by or on behalf of the person accused. The prosecutor shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without leave of the Commissioners, who also may put such questions as they think fit.

XIV. If it shall appear necessary before the close of the case for the prosecution, the Commissioners may in their discretion allow the prosecutor to exhibit evidence not included in the list given to the person accused, or may themselves call for new evidence, and in such case the person accused shall be entitled to have, if he demand it, an adjournment of the proceedings for three clear days, before the exhibition of such new evidence exclusive of the day of adjournment and of the day to which the proceedings are adjourned.

XV. When the case for the prosecution is closed, the person accused shall be required to make his defence, orally or in writing as he shall prefer. If made orally, it shall not be recorded; if made in writing, it shall be recorded, after being openly read, and in that case a copy shall be given at the same time to the prosecutor.

XVI. The evidence for the defence shall then be exhibited, and the witnesses examined, who shall be liable to cross-examination and re-examination and to examination by the Commissioners according to the like rules as the witnesses for the prosecution.

XVII. All witnesses, either for the prosecution or defence, shall be examined on oath, or, if exempt from taking an oath in Courts of Justice, on solemn affirmation, to be administered in either case by one of the Commissioners, and every witness so examined and wilfully giving false evidence on any material point shall be deemed guilty of and liable to the penalties of perjury. When the prosecution is not conducted on behalf of Government, the prosecutor may himself give evidence for the prosecution and may be examined for the defence.

XVIII. The Commissioners or some person appointed by them shall take notes in English of all the oral evidence, which shall be read aloud to each witness by whom

the same was given, and if necessary explained to him in the language in which it was given, and shall be recorded with the proceedings.

XIX. If the person accused makes only an oral defence, and exhibits no evidence, the enquiry shall end with his defence; if he records a written defence, or exhibits evidence, the prosecutor shall be entitled to a general oral reply on the whole case, and may also exhibit evidence to contradict any evidence exhibited for the defence, in which case the person accused shall not be entitled to any adjournment of the proceedings, although such new evidence were not included in the list furnished to him.

XX. When the Commissioners shall be of opinion that the Articles of Charge, or any of them, are not drawn with sufficient clearness and precision, the Commissioners may, in their discretion, require the same to be amended, and may thereupon, on the application of the person accused, adjourn the inquiry for a reasonable time. The Commissioners may also, if they think fit, adjourn the inquiry from time to time on the application of either the prosecutor or the person accused, on the ground of the sickness or unavoidable absence of any witness or other reasonable cause. When such application is made and refused, the Commissioners shall record the application, and their reasons for refusing to comply with it.

XXI. After the close of the inquiry the Commissioners shall forthwith report to Government their proceedings under the Commission, and shall send with the record thereof their opinion upon each of the Articles of Charge separately, with such observations as they think fit on the whole case.

XXII. The Government, on consideration of the report of the Commissioners, may order them to take further evidence, or give further explanation of their opinions. It may also order additional Articles of Charge to be framed, in which case the inquiry into the truth of such additional Articles shall be made in the same manner as is herein directed with respect to the original charges. When Special Commissioners have been appointed, the Government may also, if it thinks fit, refer the report of the Commissioners to the Court or other authority to which the person accused is subordinate, for their opinion on the case; and will finally pass such orders thereon as appear just and consistent with its powers in such cases.

XXIII. The word 'Government' as used in this Act means the Governor General in Council, the Governor or Deputy Governor of the Presidency of Fort William in Bengal, the Governor in Council of the Presidencies of Fort St. George and Bombay, respectively, and the Lieutenant Governor of the North Western Provinces of Bengal, whose sanction is necessary for the removal of the person accused.

XXIV. Nothing in this Act shall be construed to repeal any Act or Regulation in force for the suspension or dismissal of Principal and other Sudder Ameens or of Deputy Magistrates or Deputy Collectors, but a Commission may be issued for the trial of any charge against any of the said Officers, under this Act, in any case in which the Government shall think it expedient.

XXV. Nothing in this Act shall be construed to affect the authority of Government, for suspending or removing any Public Servant for any cause without an inquiry under this Act.

The 1st November, 1850.

ACT No. XXXVIII. OF 1850.

An Act to allow Counsel to all persons on the trial of Offences.

Whereas an Act of Parliament was passed in the seventh year of the reign of His late Majesty, for enabling persons indicted of felony to make their defence by Counsel or Attorney, the provisions of which Act were enlarged and extended to Her Majesty's Courts of Justice in the Territories under the Government of the East India Company by Act XXII. 1839, and whereas it is just and reasonable that the like privilege be given to all persons on the trial of offences against the law, It is enacted as follows:

I. In all Courts and before all Magistrates, or persons exercising any of the powers of a Magistrate, under the authority of the East India Company, every person on trial for the commission of any offence shall be admitted to defend himself either personally or by his authorized agent, and, after the close of the case for the prosecution, to make full answer and defence thereto either personally or by his authorized agent.

II. The said Courts, Magistrates and persons, subject to such rules as shall be from time to time made for their guidance by the Nizamut or Fouzdaree Adawlut, may allow any prosecution to be conducted by an authorized agent.

III. In those Courts in which any person now has by law the right of employing whomsoever he can employ as Counsel or Pleader, nothing in this Act shall be deemed to restrict that right: in all other cases those persons only shall be deemed authorized agents within the meaning of this Act who are either Advocates of one of the Supreme Courts of Justice established by Royal Charter, or authorized Pleaders of the Civil Courts of the East India Company, or by leave of the Court, Magistrate or other person before whom the prisoner is on trial, any other person who is employed by the prosecutor or prisoner as his agent.

IV. This Act shall not be deemed to dispense with the presence of any prosecutor or person on trial for the commission of any offence when the presence of such prosecutor or accused person is now by law required.

The 1st November, 1850.

ACT No. XLII. of 1850.

An Act for giving additional facilities for Public Works in Bengal.

Whereas, by Regulation I. 1824, of the Bengal Code, power was given for taking any land in the Territories subject to the Presidency of Fort William in Bengal, which is needed for any public purpose, according to the forms therein prescribed, but it is expedient for hindering needless delay in making the Railway about to be constructed in the said Presidency under the sanction of Government, and also in any other public work, that more summary power should in certain cases be given for gaining immediate possession of the land needed for such public work, It is declared and enacted as follows:

I. Any Railway made in the said Territories, under the sanction of Government, is a public work within the meaning of the said Regulation.

II. The persons employed in any public work, with their servants and workmen, may enter upon any land for surveying the ground, and in the case of a Road, Canal or Railway for setting out the intended line thereof, and in the case of any intended Road, Canal or Railway may mark the intended line by cutting a trench, or placing landmarks along the line: and where otherwise the survey cannot be completed, and the line marked, may, with the sanction of the Government, or of any Officer appointed by Government for this purpose, cut down and clear away any part of any jungle or tope, of trees in the direction of the intended line. Provided that no person shall enter the curtilage of any house under colour of this Act without consent of the occupier unless between sunrise and sunset, and after due notice given to such occupier.

III. It shall be the duty of the Officer so appointed by the Government to take account of all necessary damage done as aforesaid, that it may be allowed for, in awarding compensation to the owners and occupiers of land.

IV. Whoever wilfully obstructs any person in lawfully setting out the line of any Road, Canal or Railway, or wilfully destroys, damages, or displaces any such landmark, or effaces, or fills any such trench, shall be liable to be imprisoned for any term not exceeding six months, and also to fine not exceeding two hundred Rupees.

V. Whenever the said Officer shall have recorded his opinion that the land in dispute is needed immediately for the purpose of the public work, he shall be empowered to take immediate possession thereof on behalf of the Government, leaving the amount and distribution of the consideration to be paid for it, if not agreed to by private bargain, to be afterwards ascertained according to the said Regulation; and such possession may be enforced and the obstruction of it punished in like manner as if the land so taken had been sold in execution of the decree of a Civil Court: and all Collectors, Magistrates and other Officers shall, if necessary, give the like aid as they would be bound to give for enforcing the speedy and complete execution of any such decree.

VI. If the said Officer is opposed or impeded in taking immediate possession of such land as in his opinion is immediately needed, he shall apply to the Magistrate of the District, who shall enforce the surrender of the land.

VII. The powers of the said Regulation and of this Act shall extend, in the case of any Road, Canal or Railway, to authorize the temporary occupation of any land, not more than one hundred yards from the centre line of the Road, Canal or Railway, as marked on the ground, for taking earth or other materials for making or repairing the Road, Canal or Railway, or for despositing thereon superfluous earth or other materials, or erecting temporary buildings and workshops thereon, or any land which may be needed for making temporary roads from any public road to the intended line of Railway, and for the temporary occupation of any such land, and for any permanent damage done by such occupation and use of the land, including the full value of all clay, stone, gravel, sand and other materials taken thence, compensation shall be paid to and among all persons having an interest therein, to be ascertained in case of disagreement in the same manner as compensation for land permanently taken.

VIII. The local Government, if it thinks fit, may empower any such Officer to execute any award made under the said Regulation, and to do all things necessary for completing the business of taking and paying for the said land, and for settling all disputes concerning it, without sending any report to the local Government.

IX. In every case in which any land has been or shall be taken by the Government for any public work, otherwise than according to the said Regulation, such land, after the lapse of five years, without any claim preferred for the recovery thereof in any competent Court, or under the said Regulation I. 1824, or this Act, shall vest absolutely in the East India Company, freed and discharged from all other claims thereunto.

X. The said term of five years shall be reckoned from the date of this Act, in the case of land heretofore taken, and in the case of land hereafter taken from the time of taking possession thereof.

XI. If within the said term of five years any suit is begun, upon which final judgment shall be obtained establishing the right of the plaintiff to any interest in any such land, then, instead of the said land, there shall be paid to the person obtaining such judgment the value of his interest in the said land, at the time when possession thereof was taken, with interest thereon at the usual and lawful rate, to be ascertained and settled in case of dispute by arbitration in the manner described for disputed claims by the said Regulation.

The 20th December, 1850.

ACT No. XLIII. OF 1850.

An Act for the Regulation of Registered Joint Stock Companies.

For the Regulation of Joint Stock Companies registered under this Act, It is enacted as follows:

I. Every unincorporated Company of Partners, associated under a deed containing a provision that the shares in the stock or business of the said Company are

transferrable without the consent of all the Partners, and also every Company established for some literary, scientific or charitable purpose, which does not carry on any business for the pecuniary benefit of any of the Proprietors or Shareholders, shall be entitled to registration under this Act.

II. The Supreme Courts of Judicature at Calcutta, Madras, or Bombay may, on such petition as is hereinafter mentioned of any persons desiring to register the Company to which they belong, order the registration of such Company; and thereupon such Company shall be duly registered in the said Court, and deemed a registered Company within the meaning of this Act.

III. Every petition for the registration of any Company under this Act shall be filed in the Court to which it is presented, with the deed, or a copy of the deed of partnership of the Company, and a list of the Directors and Shareholders of the Company, severally verified by affidavit of the Secretary, or Manager, or Principal or other Servant of the Company, intended to be a Registered Officer of the Company within the Presidency in which the petitioners shall apply for registration, and such petition shall set forth the following particulars, that is to say:

First. The names and additions of all those who are at that time Partners of the Company, and their usual places of residence; and, when any Company, which has carried on its business before registration, shall be admitted to the privileges of this Act, a separate memorial of the names and additions and last known place of abode of all persons who, within three years next before the presentation of the petition, were partners thereof.

Second. The style under which the Company is to carry on its business.

Third. The names of the principal places within the Presidency in which they seek to be registered, where the business is to be carried on.

Fourth. The amount of capital stock and of any proposed addition thereto, and if consisting of money how much is paid up, and if other than money, the nature of such capital stock, and in all cases how invested, and if separate provision is made for working capital, the amount thereof, and how much of it is paid up.

Fifth. The number of shares into which the capital stock has been, or is to be divided.

IV. Before the registration of any Company, which has carried on its business before registration under a deed of partnership, not containing any provision for registration of the Company under this Act, the Directors shall call a special meeting of the Shareholders for the purpose of resolving that the Company shall be registered under this Act, to be held at a place and time to be mentioned in the notice of meeting; and such notice, beside being given to the partners in the manner provided in the deed of partnership for notice of special meetings, shall be published in the *Government Gazette*, and in at least one other newspaper circulating within the Presidency; and the time of holding such meeting shall be not sooner than three months and not later than four months after the first of such publications.

V. One-half in number of the Shareholders assembled, either personally or by their lawfully constituted attornies, at such meeting, owning at least one-half of the whole number of shares owned by all the Shareholders so present, may resolve that the Company shall be registered under this Act, and such resolution so carried shall be binding on the whole Company.

VI. The petition for registration in such case shall contain, beside the other particulars herein mentioned, statements of the notice and publication thereof, of the holding of the meeting, and of the several numbers of Shareholders and shares held by them collectively, who were present at the meeting, and who voted in favor of the resolution respectively, and shall state that the petition is presented upon such resolution.

VII. No Company shall be disqualified for registration by reason of any outstanding loan to any Director, or by reason of any Director being a surety, or under any other pecuniary engagement to the Company: but any Director having such loan or being such surety or under such engagement shall, by the fact of the registration of the Company, cease to be a Director, unless the loan or other engagement be such as is authorized by this Act.

VIII. Every registered Company shall be subject to the following Regulations, notwithstanding any provisions in their deed of partnership varying therefrom; and the Supreme Court, in which the Company shall be registered, shall have authority, on the petition of any Shareholder, to enforce the same, and from time to time to make any order or orders in respect of any breach or neglect thereof as to such Court shall seem meet.

First. Every registered Company shall hold one or more ordinary general meetings of the Company in every year, at such times and places as are appointed by the deed of partnership, or in default thereof, as the Supreme Court, in which such Company is registered, shall in the order for registration appoint, subject to variation by any subsequent order or orders of such Court.

Second. Every registered Company shall, from time to time, hold an extraordinary general meeting, whenever seven Shareholders, or any greater number may require it, by notice in writing under their hands, to be delivered to a Registered Officer of the Company, or, if he cannot be found, to any other servant of the Company, at one of their usual places of business.

Third. No registered Company shall purchase its own shares or make any loan of money or securities for money to any person or persons, on the security of a share or shares in the partnership or business; and every such purchase or loan shall be a breach of trust within the meaning of all laws now in force, or hereafter to be in force relating to breaches of trust by agents or trustees misappropriating money or property.

Fourth. No registered Company shall make any loan of money or securities for money to any Director or Registered Officer of such Company, or to any member of a Local Committee at any Branch or Agency, except only in the case of Banking Companies, to such limited amount, and on such securities as shall be sanctioned

by the deed, or from time to time, by a general meeting of the Shareholders of such Banking Company; and every such transaction, except as aforesaid, shall be a like breach of trust: And the particulars of every loan made to any Director or Registered Officer of such Company shall be reported to the next general meeting of Shareholders, with a statement and specification of the several securities on which such loans were advanced.

Fifth. No Director or Member of a Local Committee at any Branch or Agency, or Registered Officer shall become a security or guarantee for any person in any loan or other transaction with the Company, nor shall he, in any way, incur liability to the Company uncovered by such security as is sanctioned by the deed of partnership.

Sixth. The accounts of every registered Company shall be audited half yearly or oftener, by two or more Auditors, chosen at a general meeting of the Shareholders, none of the Auditors being a Director or Registered Officer at the time.

Seventh. A copy of the Auditor's report (if any) and balance sheet and a separate profit and loss account, and a capital account shewing the amount of the capital, and how invested, and the estimated value thereof, verified by affidavit of the same being made to the best of their knowledge and belief, as often as the accounts are audited, shall be filed in the Court in which the Company is registered, and a written or printed copy of the said report, balance sheet, and accounts, shall be delivered to every Shareholder who shall demand it, or sent by the General Post Office to the place where he may, from time to time, require delivery thereof.

IX. The Court in which the Company is registered may, on the petition of any Shareholder, enforce the performance by the Directors of any of their duties under this Act, or of the deed of partnership, which it may appear just to enforce in a summary manner, after due notice given to such Directors; and disobedience to any order of the Court in this behalf shall be deemed a contempt of Court, and shall be punishable accordingly.

X. Within one week before or after the first day of January and first day of July in every year after the registry of the said Company, a memorial shall be filed in the Court in which such Company is registered, setting forth in alphabetical order the names of all the Partners, with their several additions, places of abode, and the number of shares belonging to each, and the names of the Directors of the Company, and also the names of the servants of the Company to be deemed the Registered Officers, within the Presidency in which such Court is situated; and, as often as a change in the Direction or of any Registered Officer shall take place by death, resignation, disqualification, or otherwise, a memorial of such change shall be forthwith filed in the Supreme Court.

XI. When any share is held by two or more persons, the name, addition, and place of abode, of every such person shall be separately entered in every such memorial, and each of such persons shall be considered as jointly and separately liable for the engagements of the Company on account of such share; unless when such share belongs to any other Registered Company, in which case the name of such Company shall be entered in the memorial instead of the names of the Partners thereof.

XII. The several memorials shall be signed by two or more of the Directors of the Company, and verified by affidavit of one of them before the Master of the Supreme Court or a Commissioner by the said Court appointed.

XIII. An Office copy of any such registered deed, or copy thereof filed as aforesaid, or memorial or of any part thereof, issued under the seal of the Court, shall be received in evidence before all Courts, as proof of the contents thereof, and no proof shall be required that the persons by whom any such memorial purports to be verified were Directors of the Company.

XIV. The Keeper of the Records of the Supreme Court shall allow all persons, at reasonable times, to inspect any such deed, copy, or memorial, and shall furnish Office copies of any such deed, copy, or memorial, or any part thereof, under the seal of the Court, to all persons applying for the same.

XV. Such fees shall be paid for registering every such deed and memorial, and for allowing inspection and furnishing copies thereof, or of any part thereof, as the Judges of the Supreme Court, with the approval of the Governor or Governor in Council, from time to time, shall establish.

XVI. Subject to the provisions of the deed of partnership, every Shareholder in any such Registered Company may sell and transfer all or any of his shares therein by a deed according to the form in the Schedule annexed to this Act, or to the like effect, and the same, when duly executed, shall be delivered to a Registered Officer, who shall make an entry thereof in a book to be called the Register of Transfers, and shall endorse such entry on the deed of transfer, and deliver an acknowledgment of the receipt thereof to the purchaser, for which entry and endorsement the Company shall be entitled to have a fee not exceeding One Rupee; and until such transfer is so entered and endorsed the purchaser of the share shall not be entitled to receive any share of the profits of the business, or to vote in respect of such share.

XVII. No Shareholder shall be entitled to transfer any share until he has paid all calls at that time due on every share held by him.

XVIII. On the transfer of any share in a Registered Company being executed and notified in the manner required by the Deed of the Company and this Act, the party making or the party accepting such transfer may require a memorial thereof to be made forthwith, and filed with the memorial of the names of Shareholders of the Company; and in case such memorial shall not be made and filed within one month after such requisition, the Supreme Court shall on the petition of either of the said parties, and on notice being given to the Directors of the Company, order such memorial to be made and filed, in case the Court shall be satisfied of the validity of such transfer; and every such memorial of transfer shall be taken thenceforth as part of the last general memorial.

XIX. No transfer shall be deemed complete, nor shall any Shareholder be discharged from any liability by the transfer of any share, until the memorial of such transfer shall have been filed as aforesaid, or until the purchaser has been substituted as a partner instead of the seller in one of the general half yearly memorials, in

respect of the share or shares so transferred; and no person shall be liable as a Shareholder by reason merely of having accepted such transfer, until such memorial of the transfer shall be filed, or until he is entered as a partner in one of the general half yearly memorials.

XX. The Supreme Court in which any Company is registered may, on petition and on notice being given to the Directors, and to every other person to whom it shall appear to the Court that notice ought to be given, order any memorial filed under this Act to be corrected, in case of any material error of omission or otherwise, either in the lists of Shareholders or any other respect whatever.

XXI. The Directors may close the Register of Transfers for a time not exceeding fourteen days before the payment of any dividend, and may fix a day for closing the same, of which seven days notice shall be given in the *Government Gazette*.

XXII. The Company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any share is subject; and the receipt of the person in whose name any share stands in the books of the Company, or in the case of a minor, idiot, or lunatic, the receipt of the guardian or committee, or where the share stands in more than one name, the receipt of the person, whose name stands first, shall be a sufficient discharge to the Company for any dividend or other sum of money payable on account of such share, whether or not the Company had notice of any such trust; and the Company shall not be bound to see to the application of any money paid on such receipt.

XXIII. Every such Registered Company shall sue and be sued by the registered name of the Company, as if it were an incorporate Company, and in no other manner; and service of any writ, order, or other process or notice on a Registered Officer of the said Company, at one of their usual places of business, or, if he cannot be found, in such manner as the Supreme Court in which such Company is registered shall order and direct, shall be good service on such Company.

XXIV. In any indictment or information for any theft or embezzlement of the monies or goods of any such Registered Company, or for any other offence committed against them or their property, or with intent to defraud or injure them, and in any proceeding in which it may be necessary to name them, they may be described by the registered name of the Company.

XXV. In any suit brought or proceeded with in the name of any such Registered Company, the plaintiffs shall be liable to be nonsuited unless it is proved on their part that the suit is brought or proceeded with by direction of one or more of the partners appointed at a general meeting to be Directors of the Company, or by the direction of some person or persons having authority from the Directors to bring suits on behalf of the Company; and such proof may be given either by filing a warrant to sue signed by such Director or person, and supported by affidavit, or in such other manner as shall be consistent with the practice of the Court.

XXVI. No such suit, indictment, information, or other proceeding shall abate or be prejudiced by any change of the persons constituting the partnership, or of the Directors, or of the person having such authority.

XXVII. No suit by or against the Company shall be in any wise affected by the defendant or plaintiff therein being or having been a Shareholder of the Company: but any such Shareholder, either alone or jointly with any other person or persons as against the Company, or the Company as against any such Shareholder, either alone or jointly with any other person or persons, shall have the same right of action, remedy, and execution, in respect of any claim whatever, as the Shareholder or Company would have had, if the Shareholder had been a stranger.

XXVIII. All unpaid capital, or money due on account of the Capital Stock of the Company, shall be deemed a debt due to the Company, and shall be recoverable as such by the description of money due by the defendant, on account of a share in the business of the Company.

XXIX. A Registered Company, which shall commit any act which is hereby deemed an act of forfeiture, shall be liable to the jurisdiction of the Court for Relief of Insolvent Debtors, and a petition to the said Court in the case of such Company shall be prosecuted in the same manner as petitions in the case of Insolvent Debtors: and in case of an adjudication of forfeiture the law and practice of the said Court, with such alterations of the practice as, from time to time, shall seem to the Court necessary, shall be extended to the case of such Company, as in the case of an adjudication of insolvency in the case of an Insolvent Debtor.

XXX. An adjudication of forfeiture against any such Company shall not be deemed an act of insolvency of the individual members of such Company.

XXXI. An adjudication of forfeiture against such Company shall convey to the Assignee or Assignees appointed the whole of the real and personal property of the said Company, and all debts, causes of suit, and possibilities of interest, with the like power to sue either at Law or in Equity, as fully and effectually as an adjudication of insolvency against any individual could convey the same by any of the laws now in force or hereafter to be in force effecting insolvents.

XXXII. Whenever an adjudication of forfeiture shall have issued against any such Company, the Assignee or Assignees from time to time may compromise any debts or claims belonging to the said Company, and may grant discharges to the parties to such compromises.

XXXIII. Whenever the Directors of any Registered Company shall be unable to meet the engagements of the Company, they shall at a special meeting of the Directors convened for that purpose, and by such a number and majority of them as would be sufficient for any ordinary business of the Company, declare such inability by resolution, which being signed by the Directors by whose votes it has been carried, shall be forthwith published in the *Government Gazette* of the Presidency; and for two calendar months after the publication of such resolution, but not later, such resolution shall be deemed an act of forfeiture of their privileges for the sole purpose, nevertheless, of supporting a petition to the Court for Relief of Insolvent Debtors in case a petition shall be filed within two months after the date of the publication thereof as aforesaid, but not afterwards.

XXXIV. Any Registered Company which shall not, within two months after judgment and the issue of a writ of execution thereof, satisfy such judgment, shall be deemed to have committed an act of forfeiture, and thereupon the execution creditor or any creditor to whom such Company shall be indebted to the amount of Company's Rupees Five Hundred, or any two creditors to whom such Company shall be indebted to the amount of Company's Rupees Seven Hundred, or any three or more creditors to whom such Company shall be indebted to the amount of Company's Rupees One Thousand, may present a petition to the Court for the Relief of Insolvent Debtors at the Presidency within which such Company is registered, stating the amount due to such creditor or creditors, and the registry and act of forfeiture of such Company, and praying such Court would proceed as if such Company or the Shareholders thereof had petitioned such Court for relief under the laws in force for Relief of Insolvent Debtors; whereupon the Court shall enquire into the truth of such petition, and if such Court shall be satisfied thereof, such Court shall adjudge the same to be true and that such Company has committed an act of forfeiture, and proceed thereon pursuant to the provisions of the Act for the Relief of Insolvent Debtors in India, and of this Act.

XXXV. Upon the filing of any petition to the Court for Relief of Insolvent Debtors in the case of any Registered Company, whether by a Shareholder or by a Creditor, the Court shall make the like vesting order for the purpose of vesting all the real and personal estate of the Company in the Official Assignee, and such other orders ancillary thereto as the Court might make in case of an individual insolvent debtor, and all the powers and authorities of the said Court, and all the laws relating to insolvent debtors shall, so far as the circumstances of the case admit, be extended to all such Registered Companies.

XXXVI. Whenever there shall be an adjudication of forfeiture against any Registered Company, the Directors of such Company at the time of filing the petition shall be subject to the orders of the said Court for the Relief of Insolvent Debtors, and it shall be their duty individually or collectively to prepare such balance sheet and other accounts as the Court may deem necessary, and to assist the Official Assignee in the examination of and closing all the affairs of the Company; and every Director and person who shall at any time have been a Director of the Company shall be liable to be examined upon oath, and to make full and true discovery of the estate and effects past and present, and business, affairs, and interests of the Company, either orally or upon written interrogatories, as the Court may order.

XXXVII. Upon the adjudication of forfeiture against any Registered Company, the claims of any creditor of the Company against the Shareholders shall not be enforced otherwise than under this Act, except in respect of any special contract, or any debt or liability contracted by any Shareholder in his individual capacity, otherwise than by taking a share in the business of the Company.

XXXVIII. As soon after an adjudication of forfeiture against any Company as the Official Assignee can make an approximate estimate of the amount of the debts and other claims against the Company, or of any certain portion thereof, the said Court, on the application of the Official Assignee, shall order such sum to be raised by contribution of the Shareholders as may appear to the said Court necessary

for the satisfaction of such debts and claims; and may from time to time order such further sum to be raised in like manner as may appear necessary; and upon obtaining such order the Official Assignee shall assess the said sum rateably amongst the Shareholders according to the number of shares held by them respectively, and immediately proceed to collect the same; and monthly or oftener shall report defaulters to the said Court, together with the amounts at which they were assessed respectively, and thereupon the said Court, if satisfied that the said assessment is just, shall order the payment of such assessment within such time and upon such notice or demand by advertisements or otherwise, as the Court may see fit; and non-payment thereof within the time ordered by the Court shall be an act of insolvency of the defaulting Shareholders; and the said Assignee, or any person being a creditor of the said Company to the amount of Company's Rupees Five Hundred, or any two creditors to whom such Company shall be indebted to the amount of Company's Rupees Seven Hundred, or any three or more creditors to whom such Company shall be indebted to the amount of Company's Rupees One Thousand, may present a petition to the Court for the Relief of Insolvent Debtors of the Presidency within which the said Company is registered, stating such act of Insolvency, and praying that such defaulting Shareholder may be adjudged to have committed an act of insolvency, and upon such petition being duly verified, the Court shall be empowered to adjudge that such defaulting Shareholder has committed an act of insolvency, and the Court for Relief of Insolvent Debtors in the Presidency in which the defaulter is resident may proceed thereon according to the provisions of the Act for the Relief of Insolvent Debtors in India.

XXXIX. The Shareholders of untransferred shares whose names are in the last general memorial, including those (if any) who have been subsequently returned as Shareholders of the Company, shall be liable and be called upon in the first instance to satisfy the debts of the Company; but in case it shall appear to the said Court that full satisfaction cannot, within such time as may appear reasonable to the Court, be otherwise obtained, such other persons as at any time within three years next before the adjudication of forfeiture shall have been returned in any memorial as Shareholders of the Company shall be liable to contribute to such amount collectively as the Court may order; and, upon every order for contribution from former Shareholders, the Official Assignee shall proceed as hereinbefore prescribed in the case of present Shareholders.

XL. In fixing the sum to be raised from time to time by assessment of the Shareholders it shall be in the discretion of the Court to make such allowance for unrealized assets of the said Company, as the Court may deem just.

XLI. No such assessment shall be deemed erroneous or set aside merely by reason of its being in excess of other assessments rateably considered, if the same be needed for satisfaction of any creditor of the said Company, and any such assessment may be reduced, when expedient, by order of the Court.

XLII. If on realizing the assets of the Company a balance shall remain, after payment of the debts and other claims against the Company, the said Court may order the repayment out of such balance, first, of such sums or rateable parts thereof, as have been paid by any Shareholders, not liable in the first instance to satisfy the debts of the Company; and secondly, of such sums or ratcable parts thereof as have been

paid by any other Shareholders in excess of their rateable liability, according to the number of their shares, regard being had to the number of other assessed Shareholders; and lastly, if such a balance shall not thereby be exhausted, the said Court may order the distribution of the remainder thereof among the Shareholders by the Official Assignee upon a scheme or plan to be submitted to and approved by the said Court, or may order the same to be paid to the Accountant General of the said Court to the credit of the said Company, to abide such proceedings as any parties interested therein may take at Law or in Equity: and any order of the said Court for the disbursement of money shall be a sufficient authority to the said Official Assignee to protect him against all claims in respect of such disbursement by any Shareholder or Creditor.

XLIII. If any Registered Company which carried on its business before registration shall incur an adjudication of forfeiture before it has been registered for three years, such persons as are not registered Shareholders but were Copartners or Shareholders thereof at any time before the registration of the Company, but within three years before the filing of the petition for relief shall be liable to contribute to the debts of the Company in like manner as if they were on the first memorial of the Shareholders of the Company.

XLIV. Whenever it shall appear to the Court for Relief of Insolvent Debtors that the aid of a Court of Equity will be necessary for closing the affairs of any Registered Company, against which an adjudication of forfeiture has been made, the said Court may order the Official or other Assignees to take proceedings in the Supreme Court in Equity, by bill, or by petition for the like relief as might be had by bill and the said Supreme Court shall have power on such petition to make such original and subsequent orders as upon a bill filed, and such orders shall have the same effect and be executed in the same manner as decretal orders.

XLV. The said Supreme Court may likewise on petition of any Shareholder having any claim against any other Shareholder, in respect of the affairs of the Company, make such order as it may deem just for settling such claim between such Shareholders.

XLVI. Whenever any Shareholder in a Registered Company, which shall have been adjudged to have incurred forfeiture, shall be adjudged an insolvent, either on his own petition, or under the provisions aforesaid, or otherwise, the Assignee or Assignees of such Registered Company, shall be entitled, from time to time, to rank as a creditor on the estate of such insolvent, for such rateable contributions, as the Court for the Relief of Insolvent Debtors shall, from time to time appoint, to be paid by such insolvent Shareholder.

XLVII. After the affairs of any such Registered Company against which there has been an adjudication of forfeiture are closed under this Act, the Company shall forfeit all its privileges under this Act, and the partnership shall be dissolved.

SCHEDULE.

I ——— of ——— in consideration of ——— paid to me by ——— of ——— do hereby transfer to the said ——— the share (or shares) numbered ——— in the

business called The ——— to hold unto the said ——— his [or her] Executors, Administrators and Assigns, subject to the Conditions of the partnership Deed of the —— Company, registered in the Supreme Court of Judicature at ———; and the other Conditions in which I held the same: And I the said ——— do hereby agree to take the said share (or shares) subject to the same Conditions; As witness our hands and seals the ——— day of ——— in the year ———

Witness

A. B. L. S.

C. D. L. S.

The 27th December, 1850.

ACT No. XLV. of 1850.

Act to declare the Law as to the jurisdiction of Coroners.

For removal of doubts to the jurisdiction of Coroners, It is declared and enacted as follows:

I. In all cases in which an inquest ought to be holden on any body lying dead within the jurisdiction of any Coroner, appointed for any place within the Territories under the Government of the East India Company, the Coroner having jurisdiction where the body is lying dead has power to hold and shall hold such inquest; and every such inquisition taken before him is valid, whether or not the cause of death arose within his jurisdiction.

The 27th December, 1850.

ORDERS OF THE GOVERNMENT,

NORTH WESTERN PROVINCES,

For 1850.

No. 277 A.

Notification,—Separate, Revenue Department, the 19*th January,* 1850.

Notice is hereby given, that on the expiration of six months from the present date, duties will cease to be levied on the North West Frontier between the Bhuttee Territory and the Himalayah range, and that the Customs lines between those points will be abolished. The present line will be continued to the Sutlej near Fazilka.

No. 149 A. of 1850.

Resolution,—General Department, Head Quarters, the 9*th February,* 1850.

1. Enquiries which have been lately instituted in order to ascertain the state of education throughout these provinces, show that the greatest ignorance prevails amongst the people, and that there are no adequate means at work for affording them instruction. The means of learning are scanty, and the instruction which is given, is of the rudest and least practical character.

2. The present scheme contemplates the employment of an agency, which shall rouse the people to a sense of the evils resulting from ignorance, which shall stimulate them to exertions on their own part to remove this ignorance, which shall furnish them with qualified teachers and appropriate books, and which shall afford rewards and encouragement to the most deserving teachers and pupils.

3. The means of effecting this object will be sought in that feature of the existing Revenue System, which provides for the annual registration of all landed property throughout the country.

4. It is well known that the land is minutely divided amongst the people. There are few of the agricultural classes, who are not possessed of some rights of the property in the soil. In order to explain and protect these rights, a system of registration has been devised, which is based on the survey made at the time of settlement, and which annually shows the state of the property. It is necessary for the correctness of this register, that those whose rights it records, should be able to consult it,

and to ascertain the nature of the entries affecting themselves. This involves a knowledge of reading and writing, of the simple rules of arithmetic, and of land measurement.

5. The means are thus afforded for setting before the people the practical bearing of learning on the safety of the rights in land, which they most highly prize, and it is hoped that when the powers of the mind have once been excited into action, the pupils may often be induced to advance further, and to persevere till they reach a higher state of intellectual cultivation.

6. The agency by which it is hoped to effect this purpose will be thus constituted.

7. There will be a Government Village School at the head quarters of every Tuhseeldar. In every two or more Tuhseeldarees, there will be a Pergunnah Visitor. Over these a Zillah Visitor in each district, and over all a Visitor General for the whole provinces.

8. The Government Village School at each Tuhseeldaree, will be conducted by a School Master, who will receive from Government a salary of from 10 to 20 Rupees per mensem, besides such fees as he may collect from his scholars. The course of instruction in this School, will consist of reading and writing the Vernacular languages, both Oordoo and Hindi, Accounts and the Mensuration of land according to the native system. To these will be added such instruction in Geography, History, Geometry or other General subjects, conveyed through the medium of the Vernacular language, as the people may be willing to receive. Care will be taken to prevent these Schools from becoming rivals of the Indigenous Schools maintained by the natives themselves. This will be effected by making the terms of admission higher than are usually demanded in Village Schools, and by allowing free admissions only on recommendations given by Village School Masters, who may be on the Visitor's lists.

9. The Pergunnah Visitors will receive salaries varying from 20 to 40 Rupees a month. It will be their duty to visit all the Towns and Principal Villages in their jurisdictions, and to ascertain what means of instruction are available to the people. Where there is no Village School, they will explain to the people the advantages that would result from the institution of a School, they will offer their assistance in finding a qualified teacher, and in providing books, &c. Where Schools are found in existence they will ascertain the nature of the instruction and the number of the scholars, and they will offer their assistance to the person conducting the School. If this offer is accepted, the School will be entered on their lists, the boys will be examined and the more advanced scholars noted, improvements in the course or mode of instruction will be remanded, and such books as may be required will be procured. Prizes will be proposed for the most deserving of the teachers, or scholars, and the power of granting free admissions to the Tuhseeldaree School will be accorded.

10. The Zillah Visitor will draw a salary between 100 and 200 a month. He will superintend the Pergunnah Visitors and the Tuhseeldaree Schools. He will see that the former perform their duty, he will test the accuracy of their reports and

decide on the bestowal of the prizes which they may recommend. The sum of Rs. 500 per annum will be at the disposal of the Zillah Visitor to give as rewards within the district. He will pay particular attention to the Tuhseeldaree Schools, holding periodical examinations, and reporting on the conduct of the masters and the progress and qualifications of the pupils. It will be his duty also to furnish an annual report on the state of education in the district, and in the compilation of this, he will carefully test the statistical data, which may be afforded him by the Pergunnah Visitors. This report will include all Schools both those on his lists, and those which are not, and he will describe the course of education followed in each class of Schools. He will also ascertain as far as he may be able the extent and nature of the private instruction given to those of the upper classes, who do not attend Schools. He will be the Agent for the distribution and sale of School books, and will receive a commission of 10 per cent. on all such sales, which he may effect.

11. It will be the duty of the Visitor General to supply the subordinate agency, and to superintend the working of the whole. He will correspond direct with the Government, and will furnish an Annual Report on the state of education in the several districts under his charge as soon as may be practicable after the 1st of May of each year.

12. It will be observed that this scheme contemplates drawing forth the energies of the people for their own improvement rather than actually supplying to them the means of instruction at the cost of Government. Persuasion, assistance and encouragement are the means to be principally employed. The greatest consideration is to be shown for the feelings and prejudices of the people, and no interference is ever to be exercised where it is not desired by those who conduct the institution. The success of the scheme will chiefly appear in the number and character of the Indigenous Schools, which may be established. The poor may be persuaded to combine for the support of a teacher; the rich may be encouraged to support Schools for their poorer neighbours, and all the Schools that are established may be assisted, improved, and brought forward.

13. These operations must be conducted in concert with the Revenue Authorities, and must obtain their cordial assistance. The agency which is now called into action, may be made most valuable in ensuring the proper training of Putwarries, and in ascertaining the qualifications of the candidates or nominees for that office. Certificates of qualification from some of the persons employed in the department may be necessary for advancement to the post of Village Putwarrie, and also to many other appointments such as those of peon, chupprassee, or burkundauze as well as to those higher offices, where literary attainments are more evidently essential.

14. It will remain for consideration hereafter whether Zillah Schools can be advantageously established, where a higher course of education may be given. For the present it is sufficient to determine that the Visitor General shall have the power of granting free admissions to the Government Colleges, to a certain number of the most promising amongst the youth, who come under his notice.

15. Operations in the spirit of this scheme have already been partially commenced in the districts of Bareilly, Agra, Muttra, Mynpoorie, and Benares. The

sanction of the Hon'ble Court at present authorizes the introduction of the system into eight districts. The Zillahs noted in the margin * have been selected for the purpose. It is necessary for the present to exclude Benares from the scheme in consequence of its distance from the other districts.

Bareilly.	Mynpoorie.
Shahjehanpore.	Allygurh.
Agra.	Furruckabad.
Muttra.	Etawah

No. 151 A.

APPOINTMENT.

Mr. H. S. Reid, to officiate as Visitor General of Schools in the North Western Provinces, and to be a Member of the Local Committees of Public Education at Agra and Bareilly.

No. 435.

Notification,—Financial Department, Head Quarters, the 6th March, 1850.

The Hon'ble the Lieutenant Governor is pleased to direct the publication of the following Extract from a Despatch from the Hon'ble the Court of Directors, No. 31, dated 18th December, 1849.

Para. 15. The Medical Certificate in this case is unsatisfactory, as it does not specify the disease with which Gunga Govind Goopto is affected, but simply reports him to be suffering from the "effects of long continued illness" and "unfit for the performance of his duties."

Letter from, dated 26th May 1849, No. 18.

65. A Pension of Rs. 8-8 per mensem has been granted to Gunga Govind Goopto, a Native Writer in the Military Auditor General's Office, after 24 years' service.

16th. To enable us to decide upon the propriety of allowing the Retirement upon Pension of the Uncovenanted Servants of Government, it is desirable that we should be placed in possession of detailed information regarding their several cases. The nature of the complaint, and whether or not, it has been induced by irregular or intemperate habits, are points on which it is especially necessary to afford us information.

17th. We beg this may be attended to in future.

No. 764.

Notification,—Judicial Department, the 14th March, 1850.

Extract from a Resolution passed by the Honorable the President in Council, in the Financial Department, on the 22nd February 1850.

"His Honor in Council is pleased to lay down as a general Rule, that 10 Rupees per mensem, in addition to their ordinary monthly Salary, shall in future be allowed to Native Doctors while in medical charge of Civil Stations in consequence of the absence on leave of the Civil Surgeons thereof."

No. 989.

Agra, the 30th March, 1850.

The Lieutenant Governor, North Western Provinces, is pleased to republish the following Notification for general information, and to enjoin upon all Officers the strict observance of its provisions.

No. 527.

Notification,—Judicial Department, Agra, the 3rd February, 1841.

The Magistrates in the North Western Provinces are hereby authorized to grant licenses for the exportation of Arms, Ammunition and Military Stores, and to exercise the powers specified in Act XVIII. 1841.

In ordinary cases, the Magistrate shall report direct to the Secretary to Government, in the Judicial Criminal Department, the circumstances under which application is made to him for license for the export of Arms, Ammunition, or Military Stores, and shall await the orders of Government before issuing such license.

In cases of emergency where the export may be apparently unobjectionable, and the exporter would be exposed to inconvenience by the delay of a previous reference to the Government, the Magistrate, to whom application is made, is empowered to grant the license without delay, at the same time reporting to the Government the circumstances which induced him to grant it without previous reference.

The license may be drawn out, in any form that is found convenient, but must sufficiently particularize the nature of the despatch which it covers.

No fee can be demanded for the preparation or issue of license.

CIRCULAR No. 2095.

Revenue Department, the 11th July, 1850.

TO THE COMMISSIONERS OF DIVISIONS.

I am desired to inform you, that the Local Committees for Roads are prohibited from entertaining in future, any Overseer or Superintendent of Roads, or other person in their employ, on a salary exceeding 100 Rupees per mensem, without the express sanction of Government previously obtained.

No. 811.

Notification,—General Department, the 23rd July, 1850.

The Lieutenant Governor is pleased to direct that all Officers who may have occasion to purchase Serampore paper for Office use, shall procure the same through the Superintendent of Stationery at Calcutta, who is prepared to furnish them with the article on their requisition.

No. 813.

Notification,—General Department, the 23rd July, 1850.

The Honorable the Lieutenant Governor, North Western Provinces, is pleased to direct the republication of the following Notification, issued by the Government of India in the Home Department, dated 21st June, 1850.

It having been brought to the notice of Government, that Civil and Military Officers absent from their stations on leave, are in the habit of transmitting their Salary and Pay Bills for Audit, or for payment under covers franked as on Service, and such a practice being in contravention of Section 59, of the Post Office Regulations. It is hereby notified for general information, that all covers sent by Post, containing Salary and Pay Bills of Civil and Military Officers absent from their stations on leave, either on account of ill health, or on private affairs, as well as all correspondence connected therewith, are considered under the terms of the Section above quoted to be subject to the payment of postage. The transmission of such documents by Post under Service Franks in future is therefore prohibited, and all Civil and Military Auditors and Pay Masters are hereby enjoined to bring to the notice of the local Governments every infringement of this order which may come under their observation.

No. 837.

Notification,—General Department, the 30th June, 1850.

The Honorable the Lieutenant Governor is pleased to resolve that the annexed Table of Distances along the Grand Trunk Road, and its Branches, furnished by the Superintendent Grand Trunk Road shall in future be the official standard for the guidance of the Civil Auditor, the Post Master General and all other Officers of Government.

GRAND TRUNK ROAD.

Table of Distances of the several Encamping Grounds and Dawk Bungalows on the Grand Trunk Road and its Branches in the North Western Provinces.

Superintendent's Office, Grand Trunk Road, Agra, 29th June, 1850.

Names of the several Encamping Grounds where Troops halt.	*Distance centre to centre of road face.*		*Names of the several Encamping Grounds where Troops halt.*	*Distance centre to centre of road face.*	
	Miles.	*Furlongs.*		*Miles.*	*Furlongs.*
GRAND TRUNK ROAD.			GRAND TRUNK ROAD.		
Noubutpore,	0	0	Bewur,	13	5
Jugdees Scraie,	10	6	Sooltangunge,	12	6
Julleelpore,	12	7	Kurrowlee,	8	3
Benares,	6	7	Mullaon,	12	0
Raja ka Talao,	9	0	Etah,	11	1
Kutka Bagh,	13	0	Bhudwas,	12	5
Gopeegunge,	14	0	Secundra Rao,	9	2
Barode,	10	6	Akrabad,	10	3
Sydabad,	9	3	Coel,	13	6
Jhoosee,	13	7	Soomna,	14	5
Elopee Bagh,	2	4	Khoorja,	13	4
Mooftee ka Poorwa,	13	2	Chota,	8	0
Kussia,	16	2	Secundrabad,	10	3
Synee,	9	7	Dadree,	10	1
Kuttohun,	10	7	Gazeeooddeennuggur,	11	4
Jhurriao,	12	0	Dehlie,	12	4
Futtehpore,	12	1			
Mulwa,	11	3			
Aung,	12	5	GRAND TRUNK PROLONGATION.		
Maharajpore,	13	4			
Cawnpore,	13	7	Allipore,	11	0½
Kullianpore,	5	6	Raie,	9	7½
Chobeypore,	8	3	Sursowlee,	11	7½
Poorah,	12	7	Simalkah,	9	6⅛
Aroul or Urwul,	13	3	Paneeput,	10	6⅞
Meerun kee Seraie,	9	5	Geroundah,	10	6
Goorsahaigunge,	13	3	To the junction with Meerut and Kurnaul Road,	9	6⅜
Chibbramow,	14	5			

Names of the several Encamping Grounds where Troops halt.	*Distance centre to centre of road face.*	
	Miles.	*Furlongs.*
Branch Road from Bhogong to Agra.		
Bewur to Mynpoorie, ..	15	4
Bugrai, ...	13	3
Arrown, ...	9	5
West of Shekeoabad, ..	10	3
Ferozabad, ...	11	1
Etmadpore, ...	13	7
Agra Bridge, ...	12	0
Branch Road to Meerut.		
Khoorja to Bolundshuhur, ..	11	6
Gullowtee, ...	11	5
Hauppur, ...	10	4
Khur Khowda, ...	8	2
Bohanu gate of Meerut, ..	9	4 7/12

Names of the several Encamping Grounds where Troops halt.	*Distance centre to centre of road face.*	
	Miles.	*Furlongs.*
Branch Road to Agra from Coel.		
Cool to Sasnee, ...	14	0
Hatrass, ...	8	7
Sydabad, ...	9	0
Khundowlee, ...	9	6
Bridge Agra, ...	9	2 1/2
Road from Ghazeeooddeennuggur to Meerut.		
Ghazeeooddeennuggur to Begumabad, ...	14	0
Meerut Jail, ...	13	1 5/6

Names of the several Dawk Staging Bungalows.	*Distance centre to centre of road face.*	
	Miles.	*Furlongs.*
Grand Trunk Road.		
Noubutpore, ...	0	0
Mogul Seraie, ...	16	6
Benares, ...	13	4
Mirza Moorad, ...	14	0
Maharajgunge, ...	11	3
Gopeegunge, ...	11	0
Barode, ...	10	7
Sydabad, ...	10	1
Allahabad, ...	16	5
Koilha, ...	12	3
Kussia, ...	14	3
Lohanga, ...	13	7
Arrapore, ...	17	1

Names of the several Dawk Staging Bungalows.	*Distance centre to centre of road face.*	
	Miles.	*Furlongs.*
Grand Trunk Road.		
Futtehpore, ...	16	5
Kullianpore, ...	14	6
Sirsoul, ...	17	1
Cawnpore, ...	15	7
Ramnuggur, ...	13	1
Poorah, ...	14	1
Aroul or Urwul, ...	13	6
Kunouj, ...	12	0
Goorsahaigunge, ...	11	5
Chibramow, ...	14	5
Bewur, ...	14	0
Bichwa, ...	15	0
Surreckpore, ...	13	7

Names of the several Dawk Staying Bungalows.	*Distance centre to centre of road face.*	
	Miles.	*Furlongs.*
Grand Trunk Road.		
Etah, ...	16	1
Rutwanpore, ...	14	6
Akrabad, ...	15	1
Allyghur, ...	14	4
Soomnagunge, ...	13	7
Khoorja, ...	13	5
Secundrabad, ...	18	6
Dadree, ...	11	2
Sihance, ...	11	5
Dehli, ...	11	$3\frac{7}{8}$
Grand Trunk Prolongation.		
Dehli to Khampore, ..	12	$6\frac{1}{4}$
Kemaspore, ...	11	$7\frac{1}{3}$
Gunee, ...	12	$5\frac{1}{4}$
Sewah, ...	12	$0\frac{1}{8}$
Gcroundah, ...	12	$4\frac{1}{4}$
To the junction with the Meerut and Kurnaul road, ..	11	$2\frac{5}{8}$
Branch Road to Agra from Bhogong.		
Mynpoorie, ...	12	4
Ghiroul, ...	17	6
Shekoabad, ...	14	6
Ferozabad, ...	12	4
Etmadpore, ...	14	0
Agra, ...	12	0

Names of the several Dawk Staying Bungalows.	*Distance centre to centre of road face.*	
	Miles.	*Furlongs.*
Branch Road to Meerut.		
Coel to Bolundshuhur, ..	40	0
To the end of Divisions at Meerut, ...	39	7
Road from Ghazeeooddeen-nuggur to Meerut.		
Shanee to Begumabad, ..	13	$2\frac{1}{4}$
Meerut Jail, ...	13	$1\frac{1}{2}$
SUMMARY.		
Benares to Allahabad, ..	72	4
Allahabad to Cawnpore, ..	125	6
Cawnpore to Bewur, ..	91	5
Bewur to Allygurh, ...	90	2
Allygurh to Delhi, ...	80	5
Allygurh to Meerut, ..	79	$7\frac{7}{13}$
Bewur to Agra, ...	85	7
Agra to Allygurh, ...	50	$7\frac{1}{3}$
Dehli to Meerut, ...	39	$5\frac{5}{8}$
Dehlie to Kurnaul, ...	74	$0\frac{1}{4}$
Benares to Cawnpore, ..	198	2
Benares to Agra, ...	375	6
Benares to Meerut, ...	460	0
Benares to Dehli, ...	460	6

NOTIFICATION,

The following Prospectus of the College for Civil Engineers at Roorkee, is published with the sanction of the Hon'ble the Lieutenant Governor, North Western Provinces, in supercession of the notification by Government, dated November 25th 1847.

1. There are three Departments in the College, and in each Department a certain number of stipendiary Students, for whom quarters are provided.

2. *First Department.*—Candidates for admission to the First Department must be under the age of 22. They must be well acquainted with the English language, able to read and write it with ease and accuracy: and are required to pass an examination in Arithmetic, Algebra, Geometry, Mensuration, Plane and Spherical Trigonometry, Conic Sections and Mechanics. Passed Candidates will be admitted in the months of January and July of each year.

3. The number of stipendiary Students in this Department is limited to eight. They will receive, whilst attached to the College, an allowance of 40 Rupees per mensem, and free quarters. Scholars from any of the Government Colleges, properly qualified, may be transferred to this Department, receiving travelling allowance to Roorkee at the established rate; and while there, will receive an increase of one-fourth to their Scholarship allowance, or such increase as will make up their stipend to the amount of not less than 40 Rupees per mensem.

4. Their instruction at the College is designed to qualify them for the appointment of Sub-Assistant Civil Engineer, as constituted by the orders of Government, North Western Provinces, dated October 9th 1845, and generally, for employment in connection with Engineering works, and other departments of Scientific labor. Their qualifications for employment will be determined by their success in the treatment of the several subjects brought before them, and by a full examination on the completion of their course of study.

5. *Second Department.*—European Non-Commissioned Officers and Soldiers. They are required, previous to admission, to prove by examination, their proficiency in Reading, and Writing, Arithmetic as far as Vulgar Fractions, Elementary Geometry, Mensuration and Simple Plan Drawing, and none are admissible without a satisfactory Certificate of character. Passed Candidates will be nominated about the month of October of each year, and will join the College in the month of January following.

6. When not furnished with carriage at the public expence, they will receive travelling allowance to Roorkee at the rate chargeable for one Camel or one two-Bullock hackery per man travelling ten miles per diem and six days per week: a double allowance being granted to married men.

7. They will be on probation at the College for six months, during which time they will receive their Regimental pay and allowances, and the same advantages as with their Corps, or the established equivalent in money. If approved at the end of

this period they will then receive the Staff allowance of an Assistant Overseer in the Department of Public Works, and remain under instruction at the College, till the close of the annual term in the month of December, when, if their conduct continues to be satisfactory, they will be drafted off to their appointed duties according to the requirements of the Public Service: during the time they remain at Roorkee, they will be under the command of the Officer who fills the post of Principal of the College.

8. The number of Students in this Department has been raised to 15.

9. *Third Department.*—Native Students, in number 24, to whom instruction is conveyed through the medium of their own language. Admissions will take place twice yearly in the months of January and July.

10. In this Department will be two Divisions.

11. *Senior Division.*—To consist of eight Students, who must have acquired, previous to admission, a good knowledge of Arithmetic, Geometry to the extent of six books of Euclid, Mensuration, Algebra to Quadratic Equations, use of Logarithms and the Elements of Plane Trigonometry. These will receive, whilst attached to the College, an allowance of 10 Rupees per mensem, and free quarters.

12. *Junior Division.*—The lowest attainments qualifying for admission to the Junior Division will be, as heretofore, a fair acquaintance with Arithmetic, as far as Vulgar and Decimal Fractions, and an ability to read and write Oordoo in the Persian character, correctly and clearly. The number of stipendiary Students in this Division is 16, who receive a monthly allowance of five rupees and free quarters.

13. Any Student of this Divison may, being found qualified, be transferred to the Senior Division, provided the prescribed number of the latter be not thereby exceeded.

14. The practical instruction of Students of this department, in both Divisions, is regulated with a view to their employment as Surveyors, Draftsmen, Assistants in Public Works, &c., according to their several abilities.

15. Properly qualified Candidates coming to Roorkee, and supporting themselves there at their own cost, are admissible to all the Departments, so far as means may be available for their instruction. Should the number of such applicants, hereafter, become numerous, moderate fees will be demanded for admission to the benefits of the Institution. Instruction will continue for the present to be gratuitous, and no payments will be demanded without previous notice of one year.

16. A limited number of European Students of this class can be provided with apartments at Roorkee, for the use of which a moderate monthly rent will be charged. Particulars can be learned by application to the Principal.

17. Annual Examinations will be held in the month of December, when the Students will be classed according to their proficiency, and prizes will be awarded to the most successful.

No. 2770.

Notification,—Judicial Department, the 12th September, 1850.

Application having been made to the Hon'ble the Lieutenant Governor for the introduction of the provisions of Act XXVI. of 1850, into the settlement at Nynee Tal in Kumaon for all the purposes set forth in Section II. of the aforesaid Act, notice thereof is hereby given in conformity with Section III. of the aforesaid Act. All who are minded to declare themselves for or against the adoption of this Act therein, for such purposes, are required to address their declarations to the Secretary to Government, North Western Provinces, at Agra, within one month from this date.

CIRCULAR No. 3266.

Judicial Department, the 22nd October, 1850.

TO THE COMMISSIONERS OF DIVISIONS, NORTH WESTERN PROVINCES.

I am desired by the Hon'ble the Lieutenant Governor to call your attention to the republication in General Orders, by His Excellency the Commander-in-Chief, dated Head Quarters, Simla, 20th September, 1850, of Circular No. 1 issued from this Office on June 21st 1850, and published in the *Agra Government Gazette Extraordinary* of July 6th, 1850, regarding the supply of Carriages for the transport of Military Stores and the baggage of troops.

2nd. You will perceive therefrom that the principles laid down in that Circular have obtained the concurrence of the Most Noble the Governor General and of His Excellency the Commander-in-Chief, and have become obligatory upon all Officers of the Government, Military as well as Civil. You will use your utmost diligence to prevent any infraction of them by the Officers under your orders, and to bring to the immediate notice of the Government instances of their violation within the sphere of your control by persons who are not subordinate to you.

3rd. The main points to be insisted on are these:

First. That Carriage be only furnished on written indent by responsible and duly authorized persons.

Secondly. That demurrage be charged for all Carriage detained.

Thirdly. That the Carriage be not compulsorily carried beyond the place for which it has been engaged.

Fourthly. That half the hire be paid in advance.

Fifthly. That the Carriages be not overloaded.

4th. Lieut.-Colonel Steel will this year pass along the Grand Trunk Road, and give his particular attention to the enforcement of these orders.

(Additional to the Commissioners of Dehli and Meerut).

5th. Instructions have been issued by the Most Noble the Governor General for the relief at Umballa of all Carriage hired in your division to proceed to that place. If any instance come to your knowledge in which the certificate granted by a Magistrate in your Division, is disregarded, and the Carriage compelled to proceed beyond that station, you will immediately report the particulars direct to the Commissioner of that Division, and to the Lieutenant Governor. This is of the more importance because it is believed, that the fear of being compelled to proceed beyond Umballa, is a chief reason of the reluctance shown by the owners of Carts, to let out the vehicles for hire.

Notification,—Judicial Department, the 30th October, 1850.

No. 3373.

On the 12th September last, a notice was issued calling upon all persons concerned to declare themselves within one month, for or against the introduction of the provisions of Act XXVI. of 1850, into the settlement at Nainee Tal in Kumaon. The term of the above notice having expired, and no objections having been preferred against the above measure, for which application had previously been made by a majority of the householders and landed proprietors at the settlement, the Lieutenant Governor is pleased to declare, that the introduction of the provisions of the Act is in accordance with the wishes of the inhabitants, and the said Act is hereby declared to be in force in the settlement in question, for all the purposes set forth in Section II. of the Act.

Judicial Department,—the 5th November, 1850.

CIRCULAR No. 3469.

TO COMMISSIONERS OF THE DEHLI, MEERUT, ROHILCUND, AGRA, ALLAHABAD, AND BENARES DIVISIONS.

The Hon'ble the Lieutenant Governor desires me to request your observance of the following Rules in the management of the Public Ferries. In all Ferries which are now held kham they will have effect from the 1st of January 1851, and in all the Ferries which are farmed, they will form the conditions on which the next farm will be granted.

2. The Rivers on which Public Ferries are established are divided into three Classes as follows:

First Class. The Ganges at and below Daranuggur Ghat, and the Gogra.

Second Class. The Ganges above Daranuggur Ghat and the Jumna at and below Dehli, the Goomtee, the Rapty below Goruckpoor, the Gunduk, the Tonse (between Mirzapore and Allahabad), and the Ramgunga, below Bareilly.

Third Class. All other streams than the above, being generally such as are fordable during half the year.

3. Tolls shall be levied on all Rivers thus classed from parties crossing in Boats or over floating Bridges. No tolls shall be demanded from persons fording the River.

4. The Tolls shall be levied at the rates specified in the annexed Schedule (A). The rates leviable according to this Schedule at any particular Ferry shall be written legibly in English, Oordoo and Hindee, in the currency mentioned in the Schedule, and also in the equivalent local currency wherever the calculation by Pies may not be intelligible to the people, and shall be exposed to public view in some conspicuous place wherever Tolls are demanded. The Toll-keeper shall also have in his possession a copy of the Schedule of Rates clearly written on paper in English, Oordoo and Hindee, which he will produce on demand by every passenger who is not on foot.

5. Infraction of the terms of the Lease will expose the Contractor to annulment of the Lease, and to the imposition of a fine, leviable by suit in the Civil Court, not exceeding the twelfth part of the annual rent. The Farmer or his servants will also be liable to punishment under the general Regulations for any offence which they may commit against the laws in their management of the Ferry.

6. Farms shall not be given for more than one year, nor to the same person for two contiguous Ferries without the sanction of Government.

7. The kists payable by the Farmer in each month should be calculated as far as possible according to the ratio of the probable receipts in that month.

8. The annexed form of lease (B) and counterpart (C) for the farm of a Ferry shall be generally used, but other stipulations not inconsistent with those that are prescribed may be introduced according to local circumstances. The Farmers of Bridges should be bound to open the Bridge free of charge at stated hours twice in each day for the passage of Boats.

(A.)

Schedule of Tolls to be demanded on each Public Ferry in the North Western Provinces.

Names.	On Rivers, Class 1st.		On Rivers, Class 2nd.		On Rivers, Class 3rd.	Remarks.
	Boats from 15th October to 15th June.	*Bridges during 12 months or Boats from 16th June to 14th October.*	*Boats from 15th October to 15th June.*	*Bridges during 12 months or Boats from 16th June to 14th October.*	*On Rivers, Class 3rd.*	
Foot Passenger laden, or unladen,	2 pie,	3 pie,	1 pie,	2 pie,	1 pie.	
Camels unladen,	1 anna,	1 anna,	9 pie,	1 anna,	6 pie.	
Ditto laden,	1½ anna,	2 annas,	1 anna,	1½ anna,	9 pie.	
Cows, Bullocks, Buffaloes, unladen,	2 pie,	3 pie,	1½ pie,	2 pie,	1½ pie.	
Ditto, ditto, ditto, laden,	4 pie,	6 pie,	3 pie,	4 pie,	3 pie.	
Ditto, in droves of 50 and upwards per 100, unladen,	12 annas,	1 rupee,	10 annas,	12 annas,	8 annas.	
Ditto, ditto, ditto, ditto, laden per 100,	1½ rupee,	2 rupees,	1¼ rupee,	1½ rupee,	1 rupee.	
Donkies, laden or unladen,	1 pie,	2 pie,	1 pie,	1 pie,	½ pie.	
Tattoos or Mules, with riders, or laden,	4 pie,	6 pie,	3 pie,	4 pie,	3 pie.	
Ditto, led or unladen,	2 pie,	3 pie,	1½ pie,	2 pie,	1½ pie.	
Horse, with rider or laden,	1 anna,	1½ anna,	6 pie,	1 anna,	6 pie.	
Ditto, led or unladen,	6 pie,	9 pie,	4 pie,	6 pie,	3 pie.	
Buhul with riders, drivers and Bullocks,	4 annas,	6 annas,	3 annas,	4 annas,	2 annas.	
Ruth, with ditto, ditto ditto,	8 annas,	12 annas,	6 annas,	8 annas,	4 annas.	
Ekka,	3 annas,	4 annas,	2 annas,	3 annas.	1½ anna.	
Buggies and one Horse Carriages,	6 annas,	8 annas,	4 annas,	6 annas,	4 annas.	
Two Horse Carriages,	12 annas,	1 rupee,	8 annas,	12 annas,	8 annas.	
Four Horse Carriages,	1½ rupee,	2 rupees,	1 rupee,	1½ rupee,	1 rupee.	
Carts with Bullocks and driver empty, per Bullock,	6 pie,	9 pie,	4½ pie,	6 pie,	3 pie.	
Ditto laden, per Bullock,	1 anna,	1½ anna,	9 pie,	1 anna,	6 pie.	
Elephant,	1 rupee,	1½ rupee,	12 annas,	1 rupee,	8 annas.	
Palanquin, Dooly or Meanah, with 2 Bearers,	6 pie,	9 pie,	3 pie,	6 pie,	3 pie.	
Ditto, with 4 Bearers,	1½ anna,	2 annas,	1 anna,	1½ anna,	1 anna.	
Ditto, with 6 Bearers,	3 annas,	4 annas,	2 annas,	3 annas,	2 annas.	
Ditto, with 8 or more Bearers,	6 annas,	8 annas,	4 anaas,	6 annas,	4 annas.	
Sheep, Swine and Goats,	½ pie,	½ pie,	½ pie,	½ pie,	½ pie.	

N. B.—The above rates *include* the passage of all persons, *bond fide*, accompanying the animals or conveyances therein mentioned.

(B.)

Form of Lease of a Public Ferry.

1. A. B., inhabitant of C., son of D., is authorized to collect Tolls according to the annexed Schedule, from all persons crossing the E. Ghat by the Ferry Boats, (or floating Bridge) over the River F., from January 1st, 185—, to December 31st, 18—, both inclusive.

2. For this purpose he is empowered to station Toll-gatherers at not more than one place on either bank, who are hereby authorized to prevent any person, with the exceptions below noted, from crossing by the Boat (or Bridge) till the Toll be paid. They are not authorized to prevent persons from fording the River.

3. Tolls shall be levied according to the annexed Schedule, and no Toll-gatherer shall demand more than the authorized amount.

4. Every Toll-gatherer is bound to suspend in some conspicuous place, a Schedule of Tolls legibly written in English, Oordoo and Hindee according to the annexed Schedule. He shall also be bound to keep and produce on the demand of every passenger not on foot, a similar Schedule written on paper.

5. The aforesaid Farmer A. B. is bound to pay into the Magistrate's Court the following sums by instalments on each date, as mentioned below:

January 31st, 18—,	..	..	000	Co.'s Rs.
February 28—,	..	..	000	,,
March 31st, 18—,	..	..	000	,,
&c.	&c.	&c.	——	
		Total, ..	0000	Co.'s Rs.

6. The following persons shall be held exempted from demand on account of Public Tolls.

First. Military Men and Camp followers, according to existing Orders.

Second. Civil Officers of the Government when travelling on the Public Service.

Third. Foreign Rulers and their followers or retainers, or other Natives of distinction, when especially exempted by order of the Government, or the Commissioner, or the Magistrate.

Fourth. Cultivators, Wood-cutters, Grass-cutters, &c. who daily cross, as may be determined between the Magistrate and Contractor. *(This last exemption will vary or be omitted according to local usage).*

7. The aforesaid Farmer A. B. is bound to maintain not less than 00 efficient Boats always at the Ghat, of 00 maunds burthen, measuring 00 feet in length, and 00 in breadth, of which not less than 0 shall have platforms measuring 12 feet each way. The Magistrate shall determine whether the Boats provided are sufficiently safe

and trustworthy. If the Magistrate declare any Boat to be unsafe or unsuited to the purpose, the aforesaid Farmer A. B. shall be bound to provide another within the space of one week. *(This Clause will of course be different in the case of a floating Bridge).*

8. The farm shall not be underlet or transferred to another person without the consent of the Magistrate.

9. The infraction of any of the above stipulations will enable the Magistrate immediately to cancel the Lease, in which case the Farmer will be liable to a fine at the discretion of the Magistrate, not exceeding the twelfth part of his annual rent, the same to be enforced, if not paid, by suit in the Civil Court. The Farmer or his servants will also be liable to punishment under the Regulations in force, according to the circumstances of each case.

(Signed) M. N.,

Magistrate.

(C.)

Form of Subscription to a copy of the above Lease by way of counterpart engagement.

I, A. B., inhabitant of C., son of D., have perused and understood all the stipulations contained in the above Lease. To the terms therein prescribed I give my consent, and hold myself bound by them. In evidence thereof, I hereby affix my signature. I also find security for the payment of the instalments fixed in the Lease, according to the annexed bond.

(Signed) A. B.,

Witnesses attesting the Signature, *Farmer.*

R ———————————

S ———————————

Financial Department, the 6th November, 1850.

No. 1271.

Resolution by the Hon'ble the Lieutenant Governor, North Western Provinces, dated 6th November, 1850.

Read a report by the Civil Auditor, dated September 18th, 1850, on the Pension List in the North Western Provinces.

1st. This Report gives occasion for apprehension that much fraud is still practised with regard to Life Pensions, and that increased precautions are necessary to ensure payment to the right person, and correct information regarding lapses. The Lieutenant Governor therefore calls the attention of all Revenue Officers to this subject, and enjoins on them the observance of the following course.

2nd. No Pension shall be payable in arrear for a period exceeding six months, without the sanction of the Sudder Board of Revenue, obtained on special Report through the Commissioner, certifying the existence of the Pensioner, and satisfactorily explaining the cause of absence. If a Pension be not claimed for two years after it has become payable, the name of the Pensioner shall be struck off the list, and shall not be restored to it without the sanction of the Government obtained, on full Report, through the Commissioner and Sudder Board of Revenue. Arrears due to the estate of deceased Pensioners, for periods not exceeding six months, may be paid on the authority of the Commissioners, for periods exceeding six months, but not exceeding two years on the authority of the Sudder Board of Revenue, but for periods exceeding two years, only under the express orders of the Government. All lapses of Pensions either by the demise of the Pensioners, or under the operation of this rule must be reported to the Civil Auditor. This rule supersedes the provisions in paragraph 7 of the Abstract of Rules printed in Appendix No. XXX. of 'Directions for Collectors.'

3rd. As soon as may be practicable after the publication of this Resolution, Collectors will proceed to draw out three lists of all life Pensions, payable from their Treasury.

I. Superannuation Pensions given under the Pension Rules for Uncovenanted Servants.

II. Revenue Pensions either given for maafees resumed or under any other Clause of Regulation XXIV. 1803, than Section II.

III. Political Pensions.

4th. The Pensioners should further be arranged according to the Pergunnahs in which they reside, and a list furnished to each Tehseeldar of the persons resident within his Jurisdiction, with such particulars as may enable him to ascertain the identity of each Pensioner. The Tehseeldar should then be required to ascertain and report the existence or demise of every Pensioner in his Jurisdiction on the 1st January of every year. If he is unable to assure himself in this respect, he should specially report the circumstances, so far as he can ascertain them, and the strictest inquiry should then be made.

5th. Commissioners of Revenue when visiting a district will examine the Pension Lists, and see that these rules are observed.

Notification,—General Department, the 5th November, 1850.

No. 1220.

The Licutenant Governor is pleased to re-publish for general information, the following Notification by the Hon'ble the President in Council.

Fort William,—the 9th October, 1850.

No. 498 of 1850.

"With a view to increase the efficiency of Regimental Moonshees, on whom devolves the instruction in the Vernacular languages of the young Officers of the Army, the Hon'ble the President in Council, with the concurrence of the Most Noble the Governor General of India, is pleased to direct that no person shall hereafter be appointed to the situation of Moonshee with a Regiment who is not possessed of a Certificate from the Examiner of the College of Fort William, or from the Principal of the Colleges at Delhi, Agra, or Benares, that he has passed an examination according to the following test.

1st. The Books laid down for the Military Interpreters and Hindoostanee Examinations, viz:

The Gulistan, the Anwar-i-Soheilee, (optional), the Bagh-o-Buhar, and the Prem Sagur, for Interpreters.

The Bagh-o-Buhar and the Butal Pucheesee, for Hindoostanee.

2nd. The Books required for "Degrees of Honor" in Persian and Hindoostanee in the College of Fort William, namely,

The Akhlaq-i-Julalee, the Inshai Abul Fazl, the Sikundar Nama, and the Dewan-i-Hafiz, for Degree in Persian.

The Bagh-o-Buhar, the Khirud ufroz, the Kuliyat-i-Souda, the Prem Sagur, and the Ikwan-oss-sufa, for Degree in Hindoostanee.

3rd. A knowledge of the Rudiments of Arabic Grammar, and ability to analyze the Arabic words and translate the Arabic passages which occur in the abovenamed books, both Persian and Hindoostanee.

4th. Written translations from Urdu into Persian and *vice versâ.*

5th. An acquaintance with the usual forms of Letters, Purwannahs, &c.

Examinations will be held half yearly in the middle of the months of January and July, at the Colleges of Fort William, Dehli, Agra, and Benares, when Certificates will

be granted to all successful Candidates, and Quarter Masters are required to append authenticated copies of these Certificates to their Pay Bills in which the first pay of Moonshees, hereafter appointed to Corps is drawn."

(Signed) R. WYLLIE, MAJOR,

Offg. Secy. to the Govt. of India, in the Military Department.

Instructions have been issued accordingly to hold half yearly Examinations at the times specified. Candidates are to address their applications to the Principals of the Colleges of Delhi, Agra, and Benares, on or before January 15th and July 15th of each year. The first examination will be held in the middle of January 1851.

Notification,—Judicial Department, the 14th December, 1850.

No. 3941.

The Lieutenant Governor is pleased to direct the re-publication for general information of the following General Orders by the Hon'ble the President of the Council of India in Council, dated November 22nd, 1850.

"*No.* 584 *of* 1850.—With reference to paragraph 7 of the Circular Order No. 1, by the Hon'ble the Lieutenant Governor, North Western Provinces, dated June 21st, 1850, published in General Order by His Excellency the Commander-in-Chief, of the 20th September last, the Hon'ble the President in Council, with the concurrence of the Most Noble the Governor General, is pleased to direct that all Commissariat Officers and Civil Functionaries supplying Carriage and Cattle to Troops marching in the ordinary course of relief or otherwise, will furnish Commanding Officers of Corps and Detachments with advances to the estimated amount of the half hire, taking a receipt for the same, and transmitting it to the nearest Pay Master, who is directed to furnish the disbursing Officer with a draft for the amount without delay, and to adjust the advance in the usual manner."

(Signed) R. WYLLIE, MAJOR,

Offg. Secy to the Govt. of India, in the Military Department.

No. 4117 of 1850.

Rules for the Settlement of Mussoorie, passed under Section VII. Act XXVI. of 1850.

RULE I. The number of inhabitants to be Commissioners for carrying out the provisions of Act XXVI. of 1850, shall not exceed seven, or be less than five, three of whom shall form a quorum. The mode of their election and appointment to be as follows. A meeting of householders shall be called by advertizement in the public papers, six weeks before, and shall be held on the last Saturday of May in every year, at the Mussoorie Library, for the purpose of preparing a list of persons to be recommended to Government for appointment as Commissioners conjointly with the Superintendent during the ensuing twelve months.

RULE II. Any vacancy in the number of the Commissioners, occurring between annual meetings shall be filled up by the votes of the remaining Commissioners subject to the approval of Government.

RULE III. With the exception of the Superintendent, no person shall be eligible to serve as a Commissioner who is not a registered house proprietor.

RULE IV. The Commissioners shall elect one of their number to be Chairman of their body, and shall appoint a resident of the place not being a Commissioner to be their Secretary, on a salary not exceeding fifty (50) rupees a month. They shall also employ Collectors, Overseers, Chuprasses, Tindals and Laborers in such number, as may be required, and shall pay to these individuals the wages of their several denominations, or such wages as may be agreed upon.

RULE V. The persons and property to be taxed shall include the owners of all dwelling houses and shops within Mussoorie.

RULE VI. All houses and shops from the *gorge* above Rajpoor to Budraj, inclusive, and all houses on either side of the main roads in that direction and within the boundary pillars of the Settlement, shall be considered to be within Mussoorie; and the neck of land, commonly known as the Grand Parade, shall be considered the boundary to the north-east.

RULE VII. The owner of each inhabited dwelling house, and of each shop shall be assessed at a rate on its annual rent, actual or estimated, not exceeding (5) five per cent. per annum.

RULE VIII. The revenue available for public purposes in Mussoorie under Act XXVI. of 1850, shall include the one-third of the ground rents of estates as now allowed by Government, rents of sites in the Bazars, and the produce of the sales of waste lands within the Settlement, as well as one-third of any rent hereafter to be assessed on such waste lands, and all fines that may be levied under these rules.

RULE IX. The Commissioners shall meet at least once every month for the despatch of ordinary business; but, for the purpose of assessing houses and shops, the Commissioners shall, in June every year, hold a special meeting, to which owners

of houses and shops, or their Agents, shall be invited by due notice for the purpose of voting the rate of assessment, and of representing to the Commissioners any error that may exist in the statement of amounts of rent in the Commissioner's cess Book. Houses which are not rented previous to this special meeting, but which may be let afterwards, may be assessed by the Commissioners at any future ordinary meeting of the year.

RULE X. The proceeds of all collections shall be lodged within twenty-four hours after realization in the Mussoorie Agency N. W. Bank of India; and no money shall be disbursed from the public fund thereby formed, except by authority of the Commissioners signified through their Chairman.

RULE XI. To ensure the due application of the public funds, no new work within the province of the Commissioners to undertake, shall be entered upon, without their sanction previously obtained at a monthly meeting, on which occasion also the mode and rate of carrying on the work approved of shall be prescribed.

RULE XII. To facilitate the raising of the tax on houses, the Secretary to the Commissioners shall take charge of the Register, and supplementary Register which were kept by the Secretary to the late Local Committee, and shall duly record therein every change of ownership intimated to him, and every mortgage reported to him, as having been effected on the real property of Mussoorie, granting true Extracts from the Registers and Certificates of Registry, and of mortgage, to applicants on payment of a fee of one rupee for each Entry, Extract and Certificate. The Secretary to the Commissioners shall be required also to communicate all entries in his Register to the Superintendent of the Dhoon for insertion in the Register kept in his Office by order of Government.

RULE XIII. Neglect on the part of the Proprietors of a house to cause change of ownership to be entered in the Register by the Secretary to the Commissioners within six months after the transaction, shall subject the offender to a fine of ten rupees in the first instance, and to a fine of ten rupees a year during the continuance of the neglect.

RULE XIV. The Rules in force under Act XXVI. of 1850 may be amended, or rescinded, and new Rules may be proposed by the Commissioners for the time being, at any annual meeting of householders, and such amendment, or repeal, of old Rules, or preparation of new Rules, if agreed to by householders, shall be submitted by the Commissioners to Government for approval with the reasons that make the change desirable, and, on being so approved, shall be considered valid Rules under the Act.

RULE XV. Should the Commissioners consider it necessary to lay any matter before householders, or should four registered householders request a meeting, a meeting shall accordingly be called by notice sent to all resident householders, informing them of the object thereof.

RULE XVI. Any registered householder shall be entitled to vote by proxy, special or general, provided that no person be allowed to hold more than three general proxies,

RULE XVII. The proprietor of a registered house paying the rate on Rs. 400 shall have one vote at meetings, and of a house, or houses, paying the rate on Rs. 2,000 shall have two votes, and on Rs. 8,000, or more, shall have three votes.

RULE XVIII. No proprietor shall be entitled to vote at a meeting in virtue of a possession until after registry thereof.

RULE XIX. No registered proprietor shall be allowed to vote at a meeting, unless all arrears of assessment and ground rent on his property have been paid.

RULE XX. The following are defined to be nuisances in Mussoorie, and are accordingly prohibited.

1. Furious riding on public roads.

2. The leading of horses and dogs about, for exercise, on public roads, except between the hours of 8 A. M., and 4 P. M.

3. Allowing dogs to be at large on the Mall and other frequented roads, during the time of evening exercise.

4. The driving of loose cattle on public roads, except in travelling from place to place.

5. The throwing of stones, earth, and other rubbish on the public roads, or laying building materials thereon except by permission of the Commissioners.

6. Refusal to permit the Commissioners to trim trees over-hanging public roads, or to cut down low jungle within ten yards of public roads on both sides; such refusal to be treated as continuing a nuisance.

7. Using ground as a necessary, (except within an enclosure) nearer than 20 yards to public roads, or to streams whence water is drawn for the use of the community.

8. Keeping a Smith's forge, slaughter-house, or piggery, within 20 yards of public roads.

9. Begging on, or near, public roads, or exposing sores thereon to excite charity.

10. Defiling the public roads, or springs.

11. Encroachments on public roads by the temporary exposure of articles for sale, or by permanent buildings.

RULE XXI. Breaches of Rule XX. shall be punishable on conviction before the Magistrate at his discretion, by fines not exceeding fifty rupees, and continuing nuisances, by fine not exceeding five rupees for every day during which such nuisance is continued. An appeal from such decisions will lie to the Sessions Judge.

CIRCULAR ORDERS

OF THE

SUDDER DEWANNY ADAWLUT,

NORTH WESTERN PROVINCES.

FOR 1850.

No. 198.

To the Civil Judges in the North Western Provinces.

The Court of Sudder Dewanny Adawlut, having observed that the subordinate Courts too generally charge, as a matter of course, to the losing party, fees for more than one Vakeel, where two or more have been employed by the party in whose favor the decree may have passed, are pleased to direct the attention of the subordinate Civil Courts in the North Western Provinces, to the provisions of Clause 3, Section 26, Regulation XXVII. of 1814, by which they are authorized to exercise their discretion in charging the fees of pleaders to the parties respectively, under a consideration of the circumstances of the case.

2nd. The Court cannot prescribe any particular rule of practice, but leave the subordinate Courts to use their own discretion; observing, generally, that when unnecessary expences have been incurred with a view to harass the opposite party, the party incurring them should be made to pay them.

3rd. This principle is illustrated by the decisions in the cases of Raja Kunth Buhadoor *versus* Ramdeen Holdar, (page 76 of the Sudder Dewanny Adawlut, Lower Provinces, decisions for February 1848) and of the Collector of Dacca *versus* G. Lamb and others, (page 143 of the same for the March following).

4th. The Court are therefore pleased further to direct that the subordinate Courts shall in future, in disposing of the cases indicated in para. 1, specify distinctly in their decrees, that the order for charging the Vakeels' fees to the losing party contained therein has not been recorded as "of course," (*i. e.* mamoolee) but that it is such as has been thought fitting on a consideration of the circumstances of the case.

Agra, 14th February, 1850.

No. 219.

To the Civil Judges in the North Western Provinces.

It has been brought to the notice of the Sudder Dewanny Adawlut, that much unnecessary delay and trouble is occasioned by the rule prescribed in Circular Order, No. 450, dated the 12th April 1847, which requires the deposit in Court, by the decreeholder, of the estimated amount of the Ameen's remuneration for effecting the partition of landed property, by which the transfer and re-transfer of the amount between the Civil and Revenue Officers is rendered necessary before it can be finally paid.

2nd. In modification of the latter part of the above Circular, the Court are therefore now pleased to direct, that the notice to be served on the decreeholder shall require him to deposit the required amount in the Collector's Office within any reasonable period not exceeding six weeks; and that this notice shall be accompanied by a rescript addressed to the Collector by the Civil Court, specifying the amount of deposit required.

3rd. The party making the deposit will be furnished with a receipt by the Collector, which he should file in the Court.

Agra, the 20th February, 1850.

No. 248.

ERRATUM.

In the third line of the translation of Circular Order, No. 1006, dated 30th July 1849 [page 426 of the *Agra Government Gazette*, dated 14th August 1849], after the word مقدمہ , omit the two following words, انتقال ذکری and in the fourth line omit the following words, متضمن إنتقال ذکریات.

No. 425.

To the several Civil Judicial Functionaries in the North Western Provinces.

The Court of Sudder Dewanny Adawlut have taken into consideration the necessity of a more uniform system in their nomination of Moonsiffs for selection by Government to the Office of Sudder Ameens and of Sudder Ameens to that of Principal Sudder Ameens, as required by the orders of Government of the 30th July 1836, also in their recommendation of the Principal Sudder Ameens and Moonsiffs for promotion to the 1st grade of those Offices, upon the Judge's report, as prescribed by Government Orders of the 2nd October 1837, and have adopted the following rules, which are notified for the information of the subordinate Civil judicial functionaries.

2nd. The several Principal Sudder Ameens, Sudder Ameens, and Moonsiffs now holding permanent official appointments in the North Western Provinces have been enrolled in the subjoined list in order of seniority of appointment, according to which Principal Sudder Ameens of the 1st grade stand first, ranked according to date of promotion to the 1st grade; next, are placed Principal Sudder Ameens of the 2nd grade, according to date of appointment. The Sudder Ameens similarly ranked follow, and are succeeded by the Moonsiffs of the 1st grade, placed according to date of promotion, and lastly, the Moonsiffs of the second grade, according to date of appointment.

3rd. The rule which the Court propose to follow in making the recommendations and nominations indicated in the 1st para. is, upon the occurrence of a vacancy in the office of Principal Sudder Ameen, to nominate the three Senior Sudder Ameens, who have been recommended by the Zillah Judge for promotion upon grounds which the Court deem satisfactory and sufficient; and to follow a like course regarding the nomination of Moonsiffs for preferment to the vacancy of Sudder Ameen; and, similarly, to recommend for promotion to the 1st grade the Senior Principal Sudder Ameen, or the Senior Moonsiff, who may have been recommended by the Zillah Judge upon grounds so sufficient and satisfactory as to obtain the concurrence of the Court: provided always, that the parties, whose recommendation has been so approved, continue up to the time of nomination to merit the same.

4th. It will be perceived that neither in the promotion to a superior office, nor in the preferment to a superior grade, will the circle of selection for the future be confined to the Zillah in which the vacancy occurs.

5th. In the accompanying list, the words *recommended for promotion* have been affixed to the names of those Officers whose claims have already been recognized by the Court. It is the intention of the Court, after the receipt of the yearly reports of Civil and Criminal administration, to publish annually the names of those additional functionaries whose recommendation for promotion shall receive their approval.

6th. The Judges will bear in mind that their recommendations can only carry weight with the Court when the specific qualities exhibited by the Officers recommended are particularly mentioned, instances being adduced if necessary, and especial regard being had to the estimation in which the party recommended is held by the respectable portion of the native community over which he presides. The Court desire to impress upon Judges the grave responsibility which attaches to such recommendations, when it is considered how greatly the efficiency and respectability of the Civil subordinate judicial service may be promoted or imperilled by a judicious or an improper exercise of the power.

7th. In case of the recognized claims of any functionary having been omitted in the remarks to the annexed list, Judges are permitted within the next two months to bring to the Court's notice any representations upon the subject which they may receive from their subordinates, and believe to be well founded.

Agra, the 8th April, 1850.

LIST IN ORDER OF SENIORITY OF ALL PRINCIPAL SUDDER AMEENS, SUDDER AMEENS AND MOONSIFFS IN THE NORTH WESTERN PROVINCES.

1	2	3	4		5
Number in order of Seniority.	*Names of Officers.*	*Date of Appointment.*	PRESENT OFFICE. *Zillah.*	*Station.*	*Remarks.*
		1st Class Principal	*Sudder Ameens.*		
1	Mohumed Zuhoor, ...	21st April, 1838, .	Ghazeepore, ..	Ghazeepore.	
2	Nawab Abdoollah Khan, ...	30th May, 1838, .	Meerutt, ..	Meerutt.	
3	Mr. James Campier, ...	30th May, 1838, .	Mirzapore, ..	Mirzapore.	
4	Sudder Ooddeen, ...	19th July, 1838, .	Delhie, ..	Delhie.	
5	Tussuddook Hosein Khan, ...	27th July, 1844, .	Azimghur, ..	Azimghur.	
6	Mahomed Hosein, ...	23rd July, 1845, .	Bareilly, ..	Bareilly.	
		2nd Class Principal	*Sudder Ameens.*		
1	Mr. James Mercer, ...	10th June, 1833, .	Furruckabad, ...	Furruckabad.	
2	Syud Wilayut Alli, ...	10th Oct., 1838, .	Allahabad, ..	Allahabad.	
3	Mohumed Yoosuf Hussun Khan, ..	5th July, 1839, .	Futtehpore, ..	Futtehpore.	
4	Mohumed Luteef, ...	28th Dec., 1841, .	Goruckpore, ..	Goruckpore.	
5	Moulvie Mohumed Kureemoollah Khan,	27th Jan., 1842, .	Agra, ..	Agra.	
6	Moulvie Ruzeeooddeen, ...	12th Aug., 1842, .	Ally Ghur, ..	Ally Ghur.	
7	Khadim Hosein Khan, ...	25th May, 1843, .	Cawnpore, ..	Cawnpore.	
8	Moulvie Uhmud Hussun Khan, ..	28th June, 1844. .	Mooradabad, ..	Mooradabad.	
9	Cazee Yar Alli Khan, ...	1st July, 1844, .	Jounpore, ..	Jounpore.	
10	Mohumed Hosein Khan, ...	14th Jan., 1847, .	Mynporie, ..	Mynpoorie.	
11	Ubdool Uzeez, ...	28th July, 1847, .	Goruckpore, ..	Goruckpore.	
12	Mohumed Hosein Alli, ...	28th Nov., 1848, .	Seharunpore, ..	Seharunpore.	
13	Moulvie Abdoor Ruhman, ...	9th April, 1849, .	Benares, ..	Benares.	
14	Mohumed Kasim, ...	20th July, 1849, .	Bundelkund, ..	Banda.	
		Sudder	*Ameens.*		
1	Nawab Khan Buhadoor Khan, ..	27th May, 1833, .	Bareilly, ..	Bareilly.	
2	Mr. James Kirk, ...	16th Sep., 1843, .	Dehlie, ..	Rohtuc.	
3	Mohesh Chunder, ...	21st Oct., 1843, .	Mooradabad, ..	Bijnour.	
4	Doobey Joala Pershad, ...	14th May, 1846, .	Azimghur, ..	Azimghur.	
5	Ukhbur Alli Khan, ...	23rd July, 1846, .	Agra, ..	Muttra.	
6	Mr. J. P. Lyons, ...	9th Dec., 1846, .	Dehlie, ..	Goorgaon.	
7	Mashooq Alli Khan, ...	18th Jan., 1847, .	Bareilly, ..	Pillibheet.	

1	2	3	4		5
			Present Office.		
Number in order of Seniority	*Names of Officers.*	*Date of Appointment.*	*Zillah.*	*Station.*	*Remarks.*
8	Mobaruz Ooddeen, ...	17th May, 1847, .	Mooradabad, ..	Mooradabad.	
9	Kurreem Ooddeen, ...	28th July, 1847, .	Goruckpore, ..	Goruckpore.	Recommended for Promotion.
10	Lalla Nund Lall, ...	19th Jan., 1848, .	Dehlie, ..	Dehlie.	
11	Cazee Zeeaoollah, ...	19th Jan., 1848, .	Ghazeepore, ..	Ghazeepore.	Ditto ditto.
12	Hubeeb Ooollah, ...	14th March, 1848, .	Cawnpore, ..	Cawnpore.	
13	Ewuz Alli Khan, ...	30th April, 1849, .	Meerut, ..	Meerut.	
14	Momin Alli, ...	20th July, 1849, .	Ally Ghur, ..	Ally Ghur.	Ditto ditto.
		1st Class Moonsiffs.			
1	Cazee Furzund Alli, ...	5th June, 1838, .	Benares, ..	Mogul Surai.	
2	Busheer Oollah, ...	5th June, 1838, .	Seharunpore, ..	Deobund.	
3	Moulvie Mohumed Mootuquee, ..	5th June, 1838, .	Cawnpore, ..	Cawnpore.	
4	Mr. S. McGowan, ...	2nd April, 1842, .	Mirzapore, ..	Mirzapore.	
5	Luchmun Pershad, ...	4th June, 1842, .	Bundelkund, ..	Banda.	
6	Kanjee Suhai, ...	28th Oct., 1843, .	Allahabad, ...	Munjunpore.	
7	Sheikh Ahmud Alli, ...	23rd March, 1844, .	Ghazeepore, ...	Sydpore.	
8	Pygumber Buksh *alias* Abdoollah, ..	7th Sept., 1844, .	Azimghur, ..	Nugra.	
9	Moulvie Amanut Hosein, ...	18th Sept., 1844. .	Bareilly, ..	Bareilly.	
10	Shama Churn Banerjee, ...	30th June, 1845, .	Meerut, ..	Meerut.	
11	Ameen Ooddeen, ...	7th July, 1845, .	Seharunpore, ..	Shamlee.	
12	Mr. V. F. Berkeley, ...	26th July, 1845, .	Meerut, ..	Boolundshuhur.	
13	Sookhbasee Lall, ...	19th Nov., 1845, .	Dehlie ..	Noh.	
14	Moulvie Mohumed Noor, ...	6th Dec,, 1845. .	Mooradabad, ..	Nuggeenah.	
15	Moulvee Mohumed Hussun, ..	19th March, 1846. .	Bareilly, ..	Shahjehanpore.	Ditto ditto.
16	Gholam Ghous, ...	3rd Sept., 1849, .	Futtehpore, ...	Futtehpore.	
17	Hyder Alli Khan.	19th Sept., 1846, .	Furruckabad, ..	Furruckabad.	
18	Tujum Ool Hosein Khan,.. ..	6th May, 1847, .	Mooradabad, ..	Sumbhul.	Ditto ditto.
19	Lalla Soonder Lall, ...	6th July, 1847, .	Mynpoorie, :	Mynpoorie.	
20	Mehndee Alli Khan, ...	27th Sep., 1847, .	Goruckpore, ..	Khuleelabad.	
21	Inayet Ahmud, ...	28th Feb., 1848, .	Ally Ghur, ..	Coel.	
22	Syed Bundeh Alli, ...	28th March 1848, .	Jounpore, ..	Jounpore.	
23	Mohumed Russool Buksh Khan, ..	26th April, 1848, .	Goruckpore, ..	Bansgaon.	
24	Moulvee Mohumed Ubdoolla, ..	10th Nov., 1849, .	Bareilly, ..	Budaon.	
		2nd Class Moonsiffs.			
1	Cazee Mohumed Buksh, ...	Aug., 1827, .	Mooradabad, ..	Mooradabad.	

2	Syed Ahmud Alli, ...		Feb.,	1829,	Ghazeepore, ..	Rusrah.		
3	Moulvie Mashooq Alli, ...	5th July,	1833,	Bundelkund, ..	Teroha.			
4	Moulvie Ubdool Hafiz Alli Khan, ..	Sept.,	1833,	Cawnpore, ..	Colonelgunge.			
5	Mohumed Yaheea, .. .	11th March,	1831,	Seharunpore, ..	Moozuffernuggur.			
6	Uzmut Oollah Khan, ...	8th April,	1826,	Mooradabad, ..	Thakoordwarah.			
7	Sheikh Mahomed Fuzloollah, ..	Oct.,	1837,	Jounpore, ..	Jounpore.			
8	Syud Ibrut Hosein, ...	10th Aug.,	1838,	Cawnpore, ..	Gujneer.			
9	Sadoollah Khan, ...	Aug.,	1838,	Mooradadad, ..	Amroha.			
10	Sheikh Morad Alli, ...	25th Feb.,	1839,	Jounpore, ..	Mundeahoo.			
11	Mohumed Shukoor Oollah, ...	24th April,	1830,	Cawnpore, ..	Derapore.			
12	Sheikh Ihmud, ...	25th May,	1840,	Seharunpore, ..	Nookur.			
13 •	Moulvie Syud Emadool Hussun, ..	7th Aug.,	1840,	Futtehpore, ..	Hutgaon.			
14	Bisseshur Dial, ...	2nd July,	1831,	Ghazeepore, ..	Mahomedabad.			
15	Mr. H. N. L. Berkeley, ...	30th Nov.,	1841,	Seharunpore, ...	Seharunpore.			
16	Syud Ahmud Khan, ...	17th Dec.,	1841,	Dehlie, ..	Dehlie.	Ditto Ditto.		
17	Benee Lall, ...	21st March,	1842,	Benares, ..	Chandnee Chouk.			
18	Syud Abbas Alli, ...	11th July,	1842,	Mooradabad, ..	Sumbhul.			
19	Enayet Hosein, ...	12th July,	1842,	Mynpoorie, ..	Shekoabad.			
20	Hussun Ruzza, ...	19th July,	1842,	Benares, ..	Subhapore.			
21	Ubdool Ruhman, ...	30th Aug.,	1842,	Ghazeepore, ..	Bulleeah.			
22	Kurum Alli Khan, ...	19th Dec.,	1842,	Furruckabad, ..	Kaemgunge.			
23	Mohumed Mehndee Hosein, ..	14th Dec.,	1842,	Goruckpore, ..	Captaingunge.			
24	Fukeer Chund, ...	7th Dec.,	1842,	Dehlie, ...	Hissar.			
25	Heth Lall, ...	9th Feb.,	1843,	Allahabad, ..	Phoolpore.			
26	Gunput Rae, ...	20th Dec ,	1843,	Furruckabad, ..	Kunouj.			
27	Meer Kasim Alli, ...	26th Jan.,	1844,	Dehlie, ..	Paneeput.			
28	Pundit Ruttun Lall, ...	13th June,	1844,	Mynpoorie, ..	Etawah.			
29	Mr. R. Garland, ...	19th June,	1844,	Agra, ..	Agra.			
30	Moulvie Mohumed Subbee Ooddeen, ...	4th Sept.,	1844,	Agra, ..	Jullaisur.			
31	Syud Goolam Mohee Ooddeen, ..	12th Sept.,	1844,	Ally Ghur, ..	Hattrass.			
32	Reazut Hosein, ...	19th Oct.,	1844,	Goruckpore, ..	Munsoorgunge.			
33	Mohumed Wuzeerooddeen, ...	8th Nov.,	1844,	Bareilly, ..	Budaon.			
34	Kurum Alli Khan, ...	20th Dec.,	1844,	Meerut, ..	Dasna.			
35	Davee Dial, ...	14th Feb.,	1841,	Azimghur, ..	Azimghur.			
36	Syud Silamut Alli, ...	25th March,	1845,	Allahabad, ..	City Allahabad.			
37	Mirza Mohumed Alli, ...	27th March,	1845,	Agra, ..	Futtehpore.			
38	Heera Lall, ...	2nd May,	1845,	Mirzapore, ..	Mirzapore.			
39	Moulvie Mohumed Rehmutoollah, ..	27th June,	1845,	Bareilly, ..	Suheswan.			
40	Mohumed Buksh, ...	2nd July,	1845,	Meerut, ..	Dibbaee.			
41	Syud Kulbeh Alli, ...	15th Aug,,	1845,	Cawnpore, ..	Serajpore.			
42	Seerajooddeen, ...	6th Dec.,	1845,	Meerut, ..	Sirdhana.			
43	Hufeez Ooddeen Ahmed, ...	6th Dec.,	1845,	Mooradabad, ..	Chundowsee.			

1	2	3	4		6
Number in order of Seniority.	*Names of Officers.*	*Date of Appointment.*	PRESENT OFFICE. *Zillah.*	*Station.*	*Remarks.*
44	Sheikh Ilahee Buksh, ...	28th Feb., 1846, ..	Furruckabad, ..	Chibramow.	
45	Mohumed Nassir Alli Khan, ..	7th March, 1846, ..	Bareilly, ..	Islamnuggur.	
46	Mohumed Kazim Alli, ...	1st April, 1846, ..	Meerut, ..	Secundrabad.	
47	Syud Al Hussun, ...	24th April, 1846, ..	Futtehpore, ..	Jehanabad.	
48	Sree Gowree Churn Surn Sheodyal, ..	15th June, 1846, ..	Mynpoorie, ..	Puphoond.	
49	Mukhun Lall, ...	10th July, 1846, ..	Meerut, ..	Hauper.	
50	Moulvie Abdool Juleel, ...	3rd Aug., 1846, ..	Bareilly, ..	Tilhur.	
51	Moulvie Keramut Oollah, ...	3rd Aug., 1846, ..	Bareilly, ..	Suleympore.	
52	Hukeem Nizamooddeen, ...	3rd Aug., 1846, ..	Bareilly, ..	Powaine.	
53	Raj Koomar, ...	4th Aug., 1846. ..	Furruckabad, ..	Doondwara.	
54	Sheikh Imamooddeen, ...	21st Aug., 1846, ..	Benares, ..	Juggutgunge.	
55	Mohumed Hussun, ...	30th Sept., 1846, ..	Furruckabad, ..	Furruckabad.	
56	Moulvie Alli Buksh, ...	4th Jan., 1847, ..	Agra, ..	Maat.	
57	Lalla Chutter Bhooj	14th Jan., 1847, ..	Agra, ..	Etmadpore.	
58	Meer Salamut Alli, ...	1st March, 1847, ..	Agra, ..	Bah Pinahut.	
59	Nuwab Imdad Hussun Khan, ..	15th April, 1847. ..	Mooradabad, ..	Dhampore.	
60	Syud Vazeer Alli, ...	31st Aug., 1847, ..	Goruckpore, ..	Bansee.	
61	Roy Bukhtawur Sing, ...	26th Nov., 1847, ..	Ally Ghur, ..	Khyr.	
62	Mohumed Hosein, ...	20th Dec, 1847, ..	Goruckpore, ..	Deorya Sultunpore.	
63	Syud Mohumed Kaeem Alli, ..	10th Feb., 1848, ..	Jounpore, ..	Muchleeshuhur.	
64	Moulvie Hamid Hussun, ...	11th Feb., 1848, ..	Ally Ghur, ..	Kasgunge.	
65	Mohumed Nujuf, ...	10th March, 1848, ..	Mynpoorie, ..	Sirpoorah.	
66	Ruheem Oollah, ...	24th March, 1848, ..	Bundelkund, ..	Jelalpore.	
67	Khadim Hosein, ...	24th March, 1848, ..	Azimghur, ..	Ghosee.	
68	Khoorsheid Alli Khan, ...	14th April, 1848, ..	Goruckpore, ..	Goruckpore.	
69	Mohumed Ruza, ...	21st July, 1848, ..	Azimghur, ..	Azimghur.	
70	Moulvie Mohumed Zyfoollah, ..	28th Dec., 1848, ..	Goruckpore, ..	Purrowna.	
71	Kishoree Lall, ...	7th April, 1848, ..	Allahabad, ..	Kydgunge.	
72	Mirza Hatim Alli beg, ...	12th June, 1849, ..	Mirzapore, ..	Chunar.	
73	Moulvie Uzeemooddeen, ...	6th Sept., 1849, ..	Mooradabad, ..	Suburbs.	
74	Mohumed Abbas Alli, ...	2nd Nov., 1849, ..	Ally Ghur, ..	Atrowlee.	

M. R. GUBBINS,
Offg. Register.

No. 489.

To the Civil Authorities in the North Western Provinces.

In extension of the provisions of Circular Order No. 56, dated the 13th January 1849, the Court are pleased to direct, that applications on the part of Government for copies of papers, required to forward proceedings to recover the stamp duties incurred in pauper suits, may also be made on plain paper.

Agra, the 23rd April, 1850.

No. 490.

To the Civil Judges in the North Western Provinces.

The Board of Customs having ruled that deeds of private award, not being provided for in Schedule A. of Regulation X. of 1829, are not liable to stamp duty, the Court are pleased to direct that the precedents noted in the margin* be no longer prohibitory of the receipt of the documents in question on unstampt paper.

* Rajah Maheeput Lall, Appellant,
versus
Ruman Singh, Respondent,
No. 152, 14th September, 1848,
Jeorakhan and Gunga Bishen, Appellants,
versus
Incharam, Respondent,
No. 153, 15th September, 1848.

Agra, the 23rd April, 1850.

No. 533.

To the Civil Judges in the North Western Provinces.

The Court notify that "the particulars of the time" required by Section 8, Act IV. of 1846, to be specified in proclamations of sale, have been held by them to refer to the name and time of the day, as well as to the date of sale, and that they have, accordingly, directed amendment of the heading of the Form B, prescribed by Section 4 of the Rules framed for the execution of the enactment by the insertion of the name of the day immediately before, and the words "between the hours of noon and sunset" immediately after, the specification of the date in the proclamations of sale issued under its provisions.

Agra, the 27th April, 1850.

CIRCULAR No. 657.

To the several Civil Authorities in the North Western Provinces.

The Court, having noticed an error in paragraph 5 of their Circular Order No. 708, dated 16th May 1848, inasmuch as it is therein stated, that after the points to be established by the parties have been recorded, the notice required by Section 12 of Regulation XXVI. of 1814 should be issued, whereas that Section clearly requires the notice to be issued before the first hearing of the case, are pleased hereby to cancel the concluding part of the paragraph from the words ," after the point or points" to the end.

Agra, the 28th May, 1850.

No. 656.

To the several Judges and Principal Sudder Ameens in the North Western Provinces.

In the case of petitions of appeal to the Sudder Dewanny Adawlut from judgments of Principal Sudder Ameens or Judges of the Zillah or City Courts, not presented in the Sudder Court but certified to it by the lower Courts, it appears that the value of the stamps has never been entered in the daily Register of the value of stamps used in judicial proceedings of the Sudder Court, because it was supposed to have been registered by the Courts in which the petitions were presented. But it is now doubted whether such has been the uniform practice of the lower Courts; and if it has not been so, then it follows that many stamps used in judicial proceedings have never been registered at all; in which case, the end for which the Register was designed has been partially defeated by an omission which impaired its accuracy and completeness. With a view to obviate error, it is therefore notified, that in future the value of the stamps of all such petitions, as have been described, will be invariably registered in this Court, as the one to which they properly appertain, and need not be registered in the Courts in which they are presented only for the purpose of being certified to this Court.

Agra, the 29th May, 1850.

CIRCULAR No. 750.

To the Civil Authorities in the North Western Provinces.

With advertence to the provisions of Act XV. of 1850, by which Sections 10 and 12 of Regulation XXVI. of 1814 are made applicable to all suits instituted in the Courts of Moonsiffs, the Court desire it to be understood, that the scope of their Circular Orders No. 127, dated 4th January 1841, and No. 45, dated 16th May 1848, is extended accordingly; and the attention of Moonsiffs is particularly directed to them,

while Judges and Principal Sudder Ameens are cautioned that it will be their duty to report instances of neglect of the prescribed rules on the part of Moonsiffs.

2nd. Section 2 of the new enactment requires the proceeding enjoined by Section 10 of Regulation XXVI. of 1814 to be drawn out in accordance with the provisions of Act XII. of 1843, and is held by the Court to apply to *all* Civil Courts, and not only to those of Moonsiffs.

Agra, the 14*th June,* 1850.

CIRCULAR No. 779.

To the Civil Judges in the North Western Provinces.

To remove doubts which appear to exist on the subject, the Court notify, that the articles of War, Nos. 102 and 103, enacted by Act XIX. of 1847, preclude the Civil Authorities from administering to the Estate of any deceased Officer or Soldier of persons receiving Public Pay drawn by any Officer in charge of a public department belonging to the Army, and vest the administration of such Estates in the Military Authorities, whenever there may be no heir or executor of the deceased on the spot at the time of decease.

Agra, the 14*th June,* 1850.

CIRCULAR No. 1041.

To the Civil Judges in the North Western Provinces.

The Court request that an error detected in the translation of the Form of Certificate prescribed by their Circular Order No. 408, of the 1st March 1842, may be corrected by the substitution of the words خرید فروخت کرنا for خریدنا, as the rendering of the word "negotiate" twice therein occurring.

Agra, the 30*th July,* 1850.

No. 1350.

To the Zillah Judges in the North Western Provinces.

The Court, having observed that very few original suits are tried by Zillah Judges, direct their attention to the discretion vested in them by Section 2, Act IX. of 1844, and desire that they will from time to time, as the state of their general business will admit, withdraw a certain number of original suits from the files of the Principal Sud-

der Ameens and Sudder Ameens of their districts, and decide them in their own Courts.

Agra, the 14th September, 1850.

CIRCULAR No. 1431.

To the Civil Judges and Principal Sudder Ameens in the North Western Provinces.

With reference to the provisions of Section 1, Act IV. of 1850, the Judges and Principal Sudder Ameens are desired in future to endorse on every petition of appeal presented to them for transmission to the Sudder Court, the date on which it was filed, in order that it may at once be seen, whether the appeal is within the period prescribed by the law.

Agra, the 23rd September, 1850.

CIRCULAR No. 1430.

To the Civil Judges in the North Western Provinces.

The Court direct the adoption of the subjoined form in future in preparing the explanations in cases older than a year, which are appended to Part 3 of the Statement No. 1, as more convenient than that now generally used, since the steps successively taken, and the intermediate delays, will be seen in it at a glance.

No. and date of Institution.	*Dates of subsequent steps.*		*Explanation.*
1.37. 5th July, 1848, ...	May 1850, ...	18	Deposition of witnesses taken.
	June 1850, ...	12	Collector addressed for a Kyfeeut in regard to the area of certain lands, as recorded at Settlement.
	June 1850, ...	26	Collector reminded in a proceeding.
	June 1850, ...	27	Petition filed by Ramkishun.

Agra, the 24th September, 1850.

CIRCULAR No. 1482.

To the Judges and Principal Sudder Ameens in the North Western Provinces.

With a view to correct the anomalous practice now observed in the execution of decrees of the Sudder Dewanny Adawlut, the Court are pleased to withdraw from the Zillah Judges the discretionary power which, under the provisions of Section 8, Act XXV. of 1837, they granted to them by Circular Order No. 2029, dated 27th December 1845, of transferring such cases from their own files to those of the Principal Sudder Ameens.

2nd. At the same time, concurring in the Resolution of the Calcutta Court notified by their Circular Order No. 11, dated 9th ultimo, the Court rescind the Resolution of the 4th July 1834, by which it was ruled that *objections* to the execution of the decrees of the Sudder Dewanny Adawlut should be reported by the Zillah Courts for the orders of the Superior Court, proceedings being meanwhile stayed.

3rd. The decrees of the Sudder Dewanny Adawlut passed on regular or special appeals are henceforth to be sent by this Court for execution either to the Zillah Judge, or Principal Sudder Ameen, according as the decree appealed against may have been passed by the one or by the other.

4th. If, on notice being issued under Clause 8, Section 15, Regulation XXVI. of 1814, and Section 7, Regulation VII. of 1825, objections are made by the party against whom execution of a decree of the Sudder Dewanny Adawlut has issued, such objections shall henceforth be disposed of in the first instance by the Court entrusted with its execution.

5th. Appeals from orders of Principal Sudder Ameens in all cases of execution of decrees of the Sudder Dewanny Adawlut remitted to them by this Court for execution shall lie to the Sudder Dewanny Adawlut.

6th. All cases of execution of decrees of the Sudder Dewanny Adawlut in appeal, either from decisions of the Zillah Judges, or of the Principal Sudder Ameens, which have been already referred to the Principal Sudder Ameens, and are still pending before them, shall be recalled by the Judges and disposed of by them, so that there may be a regular appeal in execution, as to all matters of its own decrees, to the Sudder Dewanny Adawlut.

Agra, the 28th September, 1850.

CIRCULAR No. 1740.

To the Civil Authorities in the North Western Provinces.

An instance has come to the Court's knowledge, in which a stampt paper, blank otherwise, than as bearing in the margin, in addition to the signature of the principal

party, the attesting signatures of certain Vakeels of the Court of the District in which he resided, was forwarded for the purpose of being filled up and filed as a Vakalutnamah to a Vakeel of the Sudder Dewanny Adawlut, by whom it was also antedated.

2nd. Such a practice is quite irregular, and is open to abuse, and the Court hereby notify their intention to dismiss any Vakeel from his appointment, by whom a deed, so improperly prepared, may be filed before them.

3rd. The lower Courts are directed to make it known to the Vakeels attached to them, that any member of their body affixing his signature as a witness to a blank paper, will be liable to ejection from Office.

Agra, the 6th December, 1850.

CIRCULAR No. 1809.

To the Civil Judges in the North Western Provinces.

An instance of over-charges for the Registry of Deeds having come to the Court's knowledge, they are pleased to notify that Registers of Deeds will be held responsible for illegal demands or exactions made by the Mohurrirs attached to their Offices.

2nd. Zillah Judges are requested to caution the Registers of Deeds within their respective jurisdictions to take care that no more than the fees prescribed by the law is taken from applicants for Registry, and to bring to the Court's notice any case of extortion that may occur in a Registry Office.

Agra, the 17th December, 1850.

CIRCULAR No. 1829.

To the Civil Judges in the North Western Provinces.

The Court request that the column of explanation (in the Quarterly Report of unexecuted decrees of the Court of Sudder Dewanny Adawlut), may be filled up in like manner to that prescribed by their Circular Order No. 1430, dated 24th September last, with reference to the explanation of the cause of delay in cases pending in the lower Courts for more than a year, that is to say, every step taken towards the execution of the decree during the Quarter under report and the date of it will be specified as in the subjoined specimen.

Column of cause of non-Execution.

1850.	
August 1st.	Case received by Judge from Sudder Dewanny Adawlut.
„ 5th.	Case by Principal Sudder Ameen from Judge and Itilanameh issued to decreeholder.
„ 19th.	Nazir reported service of Itilanameh.
„ 23rd.	Decreeholder filed a petition, stating that he had sold his decree to Hajee Basharut-oollah, which was allowed.
„ 24th.	Decree purchaser filed his Vakalutnamah.
September 7th.	Decree purchaser applied for the sale of a 2-anna share of defendants in Mouzah Mohumudpore Goomtee, and Kyfeeut called for from Muhafizdufter.

Agra, the 17th December, 1850.

CIRCULAR No. 1849.

To the Civil Authorities in the North Western Provinces.

The Court are pleased to direct the use, in future, of the subjoined Form of Certificate for the refund of the stamp duty of original petitions in cases in which such refund is claimable instead of the Form A. prescribed by their Circular Order No. 184, dated 6th December 1839.

2nd. In the Form now prescribed, a new column will be found, in which the endorsement of the Stamp vender on the original petition will be entered.

3rd. The note at the foot will enable the Civil Courts, whenever they may direct the amount of the refund to be paid, not to the parties named in Column 4 of the Certificate, but to their accredited Agents, to indicate the persons authorized to receive it and obviate the anomaly, which has been remarked by the Accountant North Western Provinces, of receipts being taken from persons other than those specified in the Certificate.

4th. The Zillah Judges are requested to see that due attention is paid to this order by the Courts subordinate to them.

CERTIFICATE FOR THE REFUND OF THE STAMP FEES LEVIED ON THE PETITION SPECIFIED BELOW.

1	2	3	4	5	6	7
Number of suit or petition and names of the parties.	*Value of Stamp and description of paper.*	*Amount of claim in suit.*	*Names of the parties receiving refund.*	*Amount to be refunded.*	*Stamp vender's endorsement.*	*Under what Regulation, Section & Clause the amount is refunded.*

Certified that or his order, is entitled under the order of the Court
of dated the to the above refund of Company's Rupees
from the Collector of

Agra, the 7th December, 1850.

CIRCULAR No. 1893.

To the Zillah Judges in the North Western Provinces.

The Court, having reason to believe that the provisions of Section 2, Regulation XVII. of 1803, which require Registers of Deeds, before entering on the duties of their office, to take and subscribe before the Zillah Judges the oath therein prescribed, are not unfrequently neglected, are pleased to direct the attention of the latter to the same, with a view to the due observance of them in future.

Agra, the 28th December, 1850.

CIRCULAR ORDERS

OF THE

N I Z A M U T A D A W L U T,

NORTH WESTERN PROVINCES.

FOR 1850.

No. 237.

To the Sessions Judges in the North Western Provinces.

The Court of Nizamut Adawlut direct the attention of the Sessions Judges in the North Western Provinces, to the necessity of exercising great caution in directing the Committal for perjury of parties who have contradicted before the Sessions Court the evidence given by them before the Magistrate, especially where the contradiction benefits the party accused.

2nd. By an indiscriminate or injudicious use of the power vested in the Sessions Judge, witnesses would be forced to adhere to any perjury which they may have committed before the Magistrate, whereas by abstaining from the punishment of those witnesses who may appear to correct at the Sessions the falsehood of their first evidence, and limiting the order of committal to those who manifestly make a false deposition before the Sessions Judge, the ends of justice would be more satisfactorily attained.

Agra, the 4th March, 1850.

No. 357.

To the Criminal Authorities in the North Western Provinces.

The Court of Nizamut Adawlut, North Western Provinces, republish for general observance in the North Western Provinces, the following Circular Order, No. 1 of date the 15th February 1850, issued by the Presidency Court, directing the rescission of Construction No. 759.

Agra, the 28th March, 1850.

CIRCULAR No. 1.

Fort William, the 15th February, 1850.

To the Criminal Authorities in the Regulation and Non-Regulation Districts.

In circulating for your information and guidance the accompanying judgment of Her Majesty's Supreme Court, in the case of a writ of *Habeas Corpus* applied for by V. Foy, the Court direct me to notify the rescission of Construction 759, founded on the principle declared in the case of Government *versus* Mandeville, (Nizamut Adawlut Reports, Volume 2, Page 111) that the *onus probandi*, as to his birth, rests on a prisoner. The Criminal Courts are hereby directed not to proceed to try and sentence a person whom they may themselves have fair reason from any cause to regard as probably not subject to their jurisdiction, without making all practicable inquiry to satisfy themselves on the point.

JUDGMENT.

The question to be decided is, whether the Court ought to issue a writ of *Habeas Corpus* to bring up the person on whose behalf it is applied for, in order that the subject of the legality of his imprisonment may be discussed before us. It appears that he has been sentenced and imprisoned for an offence by a Court of competent jurisdiction over the offence, and that he is now undergoing the imprisonment awarded him. The cause shewn against the rule, to shew cause why the writ should not issue, is a want of jurisdiction in this Court to issue the writ.

It is stated on behalf of the applicant that he is a British subject, and the argument is, that the Court, which condemned and sentenced him, had not jurisdiction over him, and, therefore, that the sentence is a nullity, the proceedings being *coram non judice*. A Court of limited criminal jurisdiction, which has sentenced an accused person, must necessarily be understood to have included in its decision the question of his liability to its jurisdiction. If it decide on the presumption of his liability to its jurisdiction from the fact of his not contesting it, it is a point not the less involved in its decision. Its proceeding would not be the less judicial, even if it were erroneous. If it were returned to this Court, as it would be if a return were called for, that this party was sentenced and imprisoned under the sentence of a Court having competent jurisdiction over the subject matter, we could not liberate him merely because this return did not negative the fact of his being a British subject, which is stated in the Affidavit. This Court has undoubtedly jurisdiction over all persons in the employment of the East India Company within Bengal, Behar, and Orissa, and the annexed places thereto, in respect of *torts;* for that which was its originally granted jurisdiction is in no way abridged in respect of *torts*, therefore, whether a gaoler were a native or an European, if he had the character of a servant of the East India Company, the Court would have jurisdiction over his wrongful act of his unlawful imprisonment, and as a British subject is entitled to the writ of *Habeas Corpus* as of right, he might bring thus the question of the legality of his imprisonment before this Court: nor is there any thing in the case of Sir John Grant's appeal at all at variance with this doctrine. Whether a gaoler did, or did not fill the character of a servant of the East India Company would depend on circumstances of

appointment, remuneration, and the like, such as, in ordinary cases, determined whether the relation of master and servant exists. There is not therefore necessarily a want of jurisdiction in this Court to issue the writ, merely because the party is detained in the Mofussil and in the gaol of a Court of the East India Company, for, being a British Subject, the writ is claimable by him of right, if it seem to the Judge that there is apparent ground to ask it, and the gaoler may, as a servant of the Company, be subject to the jurisdiction.

The case of " in the matter of Brennan and another" furnishes the rule on this subject. This Court, though it has an appellate jurisdiction from the Courts of the Company to a limited extent in certain classes of offences committed by British Subjects, has no jurisdiction generally over those Courts. It has, therefore, no power to rectify a decision if erroneous, or avert its consequences, nor is a writ of *Habeas Corpus* the proper writ to rectify errors; it brings up the person only, and the cause of commitment, on the return; a *certiorari* must issue in addition to bring up documents, but this Court has no power to bring up by *certiorari* the proceedings of a Court of the East India Company generally; it follows, therefore, that we can interfere only in the case where the proceeding is wholly without a judicial foundation to support it, as it would be if the Court had no jurisdiction to try the subject matter. But the Judge had jurisdiction of the cause, he had jurisdiction to summon the alleged offender, he could not know beforehand that the offender was a British Subject, and the objection may be untruly made. It is a mixed question itself of law and fact, which must, if raised, be tried and determined judicially in the Court. The Court is therefore necessarily acting judicially in the determination of that question. This Court has also a limited jurisdiction. If a party is indicted here for an offence committed in the Mofussil, it is necessary to prove our authority to try him by proving him subject to the jurisdiction. Let the issue then be, whether the defendant is or is not a British Subject. A Jury must determine it, and if they decide it affirmatively, though in fact erroneously, the proceeding cannot be treated as *coram non judice*. The question would have been decided, though erroneously, by a Court of competent jurisdiction to try that fact, if we could not, as we clearly could not, rectify that error by liberating the prisoner under a writ of *Habeas Corpus*, neither could we take that course if a like erroneous decision were come to by one of the Company's Court. It is urged, however, that he is now admitted to be a British Subject, and that the Court did not, in fact, try the question. We cannot, however, enter into those matters. The only matter which the party would be bound to return to us, if we issued the writ, would be that which in fact appears—the substance of the sentence as the authority for the detention. It is true, as argued, that no waiver or consent of the accused can give a Criminal Court jurisdiction. Its jurisdiction is limited by its constituent authority.

* I do not acquiesce in the doctrine imputed to the late Mr. Serjeant Spankie, that if a defendant does not in every case in fact allege *and prove* his exemption, the Court may safely go on. It is a dangerous doctrine, and calculated to mislead. The law is, that if a Judge has not jurisdiction, and has the knowledge, or *means of knowledge* of his want of jurisdiction, he is liable as a trespasser if he act—see Calder *versus* Kalkett, and the cases there referred to. The duty of a Court is to walk in the course prescribed to it, and not to assume a jurisdiction which has not been confided to it. If a Court have reasonable ground to doubt its jurisdiction, t should take care to

clear up the point, and to allow time for the production of the proper evidence: it is undoubtedly true that if a Court of limited jurisdiction exceed its jurisdiction by reason of the existence of a personal exemption, or other cause not communicated, not known to the Judge, or of which he has not the means of knowledge in his reach, that the Judge and its Officers *cannot be treated as trespassers.* The case of the Marshalsea Court, cited in Mr. Baron Powell's judgment, shews, that it is otherwise where the means of knowledge are in the power of the Judge. It is therefore an unsafe doctrine to hold out to a Judge that he may disregard an apparently *bonâ fide* claim of personal exemption from his jurisdiction which he knows, or has good reason to believe, is well founded, on the ground of the absence of legal proof of the fact of the exemption, for in many cases no doubt can exist of the truth of facts which a party incapacitated from giving evidence for himself is under a temporary inability to prove, and the question would be if the Judge really believed that he had the jurisdiction which he exercised, the question would not turn on this, viz. on whom the *onus* of proof of the exemption would lie, if put in issue, but on the *bonâ fides* of proceeding upon the claim of exemption. The question before us, however, is unaffected by such considerations, for if there be error in the proceedings, it is not the less a proceeding of a Court of competent jurisdiction. It is not alleged that the Court knew that it wanted jurisdiction; that question might be tried in its appropriate mode of proceeding either by Criminal or Civil procedure. If a Judge discovers at any stage of his proceeding that he has really no jurisdiction over the subject matter or the person, he would be utterly inexcusable if he proceeded further, and did not do his utmost to remedy what had been unwittingly done in the belief of jurisdiction. The immunity from suit is in respect of the judicial character, which if a man assume over the subject matter or the person when he knows that he has it not, he neither merits nor has the immunity.

CIRCULAR No. 398.

To the Magisterial Authorities in the North Western Provinces.

The Court of Nizamut Adawlut, North Western Provinces, having had before them the Returns to their Circular No. 83, dated the 23rd January last, issued with a view to the adoption of a uniform classified Schedule of Miscellaneous offences in the Magistrate's Monthly Criminal Statement No. 2, Part 1, are pleased to publish the subjoined list of Miscellaneous Offences for general observance.

2nd. The Offences have been arranged and numbered alphabetically, and, in their entries in the Column of " Description of Crimes" in the Statement under reference, Magistrates will be careful to use the terms here applied to each offence, citing marginally the letter and the number belonging to it.

3rd. Whenever a Magistrate may think it impossible to bring any particular Offence under any one of the definitions now published, he will make use of such additional specification as he may think appropriate, reporting the same briefly to the Sessions Judge in sending up his Monthly Statements. The Sessions Judge will either note his approval in submitting them to the Nizamut Adawlut, or will direct

the Magistrate to alter the specification, as he may think fit. But whenever a new definition, not included in the list now published, is made use of, it should be written in red ink.

4th. The Schedule now published will probably be found imperfect; offences may be brought forward not sufficiently indicated in it. But the Court have no doubt, that if Magistrates and Sessions Judges will give their attention to define carefully any such exceptions, the list will ere long be perfected without difficulty. Sessions Judges are requested in their Annual Reports to note what new specifications of crime it has been found necessary to adopt, and the Court propose to publish an amended Schedule, should such be found necessary, after receiving the suggestion of the Judges with the Annual Statements of the current year.

Agra, the 11th April, 1850.

SCHEDULE OF MISCELLANEOUS OFFENCES.

OFFENCES.

Nos. A.

1. Abkaree Laws, breach of.
2. Abduction of married female.
3. „ of unmarried female.
4. Abortion, procuring.
5. Abusive language.
6. Affray, simple.
7. Aliens, breach of laws relating to.
8. Assault, petty.
9. Attempts to commit any of the Offences detailed in this Statement.

B.

1. Bad livelihood.
2. Boats, building, without license, prohibited.
3. Breach of peace.
4. „ „ apprehended.
5. „ trust.
6. Bribery and corruption.

Nos. C.

1. Calumny.
2. Caste, wilfully offending against.
3. Cheating.
4. Chowkeedaree cases under Regulation XXII. of 1816, and Act XV. of 1837.
5. Concealment of heinous offences, wilful.
6. Confession of a crime, forcibly extorting.
7. Conspiracy.
8. Contempt of Court.
9. Contract, breach of, in workmen or servants.
10. Custom laws, breach of.

D.

1. Dacoits, belonging to a gang of.
2. Destruction or injury of property or cattle, wanton.
3. Dhurna.

OFFENCES.

Nos. D.

4. Disobedience of orders in Government servants.
5. Duress, illegal.

E.

1. Embankments, cutting of.
2. Embezzlement.
3. Escape from custody before trial.
4. „ Jail of a convict.
5. „ aiding and abetting the above two offences.
6. Evading process.
7. Exports of arms and Military stores, &c., under Act XVIII. of 1841, breach of laws, relating to.
8. Exposing infant children.
9. Extortion.

F.

1. False and malicious complaint.
2. False information, knowingly giving to the Police.
3. Falsification or alteration of papers, not amounting to forgery.
4. Ferry laws, breach of.
5. Fraud.
6. Fraudulently appropriating, receiving or concealing property found, or *lawaris* or stray cattle.

G.

1. Gambling.
2. Gambling house, keeping a.
3. Gunpowder, keeping excess of.

H.

1. Harbouring, knowingly, bad characters.
2. Harbouring, knowingly, proclaimed offenders.

Nos. I.

1. Illegally wearing the Government Military dress or Government badge.
2. Impressment of coolies, bearers, &c.
3. Incest.
4. Indigo, injuring by trespass of cattle or otherwise.

J.

1. Jail Discipline, breach of.

L.

1. Lotteries, breach of laws, relating to.

M.

1. Maiming, mutilating or wounding.
2. Maltreatment.
3. Mint laws, breach of.

N.

1. Neglecting to support wife or children.
2. Neglect of duty in chowkeedars.
3 „ „ police.
4. „ „ zumeendars.
5. Negligence, culpable, by which injury is caused to person or property.
6. Nuisances, offences connected with local.
7. „ public or indecent exposure of person.

O.

1. Opium laws, breach of.

OFFENCES.

Nos.	P.
1.	Poisonous or deleterious drugs or substances, administering.
2.	Post Office laws, breach of.
3.	Printing Presses, breach of laws relating to.
	R.
1.	Recognizance, forfeiture of.
2.	Religion, offences against.
3.	Rescue, forcible.
4.	Resistance of process.
5.	Riot or tumultuous assemblage or disorderly conduct.
6.	Rivers, resisting supervision of.
	S.
1.	Salt laws, breach of.
2.	Saindh Katee, possessing of.
3.	Seizure of carriage, illegal.
Nos.	S.
4.	Slavery, breach of laws, relating to.
5.	Stamp laws, breach of.
6.	State offences.
7.	Suicide, assisting.
8.	Suicide, attempt to commit.
	T.
1.	Threatening language or actions.
2.	Thugs, belonging to a gang of.
3.	Trespass.
	U.
1.	Unnatural crimes.
	W.
1.	Weights and measures, using false.
2.	Witness, refusing to give or produce evidence.

No. 519.

To the Sessions Judges and Magistrates in the North Western Provinces.

The Court of Nizamut Adawlut direct the attention of the abovenamed Criminal Authorities to the provisions of Act XXIV. of 1843, and are pleased to order that, whenever there may be reason to believe that a prisoner charged with a crime of Dacoitee belongs, or has belonged, to a gang of Dacoits, such as is referred to in that Act, a count to that effect shall be entered in the indictment, in addition to the specific charge of Dacoitee.

Agra, the 14th May, 1850.

No. 559.

To the Civil Authorities in the North Western Provinces.

To enable the Court of Nizamut Adawlut to judge of the manner in which Act XVI. of 1850 is applied to, the several Criminal Authorities are requested to adopt the use of the subjoined Form of Statement.

FOR MAGISTRATE.

Part 7, Operation of Act XVI. of 1850.

	1	2	3	4	5	6	7	8	9	10	11	12
	EXCEEDING RUPEES						NOT EXCEEDING RUPEES		TOTAL.		*Amount realized in the month.*	*Amount paid to injured parties in the month.*
	500		100		10		10					
	Persons.	*Amount.*	*Persons.*	*Amount.*	*Persons.*	*Amount.*	*Persons.*	*Amount.*	*Persons.*	*Amount.*		
Magistrate, ...												
Joint Magistrate,												
Assistant, ...												
Dy. Magistrate,												
P. S. Ameen, ..												
Sudder Ameen,												
Law Officer, ...												
Total, ..												

To be entered between Parts 5 and 6, No. 2, of Magistrate's Statement by curtailing a portion of the space allotted to the former in the Lithographed Form.

FOR SESSIONS JUDGES.

Part 6, Operation of Act XVI. of 1850.

1	2	3	4	5	6	7	8	9	10	11	12
EXCEEDING RUPEES						NOT EXCEEDING RUPEES		TOTAL.		*Amount realized in the month.*	*Amount paid to injured parties in the month.*
1000		500		100		100					
Persons.	*Amount.*	*Persons.*	*Amount.*	*Persons.*	*Amount.*	*Persons.*	*Amount.*	*Persons.*	*Amount.*		

In the Sessions Judge's Statement the Form will occupy the space below Part 4, No. 1.

Agra, the 20th May, 1850.

No. 644.

To the Criminal Authorities in the North Western Provinces.

The Court notify the rescission of Circular Order, No.54, dated 24th July 1840, and of Constructions No. 1312, dated 26th November 1841, and No. 1333, dated 27th May, 1842.

Agra, the 14th June, 1850.

No. 709.

To the Criminal Authorities in the North Western Provinces.

The Circular Order No. 65, of the 5th March 1810, is hereby modified.

First. All executions shall take place at the Sudder Station of the Officer of whom the warrant is directed, unless expressly otherwise ordered in the sentence of the Nizamut Adawlut.

Secondly. The Magistrate or his Assistant, Covenanted or Uncovenanted, is to be present at every execution whether at the Sudder Station or in the interior.

Agra, the 29th June, 1850.

CIRCULAR No. 1066.

To the Criminal Authorities in the North Western Provinces.

The Court publish for general information an Extract from a letter communicating the Advocate General's opinion regarding the jurisdiction of Mofussil Magistrates in cases of assault by one European British Subject upon another European British Subject.

"In cases of an assault by one British Subject upon another British Subject, "a Mofussil Magistrate cannot proceed under Statute 53, George 3, Chapter 155, "Section 105, inasmuch as that Section applies only to complaints made by Natives "against British Subjects, but I am of opinion that the Magistrate has jurisdiction "to take penal recognizance, and proceed under the provision of Act V. of 1848."

Agra, the 28th September, 1850.

CIRCULAR No. 1294.

To the Magisterial Authorities in the North Western Provinces.

The Court having been informed that some of the Magistrates of the North Western Provinces are in the habit of disregarding the provisions of Act XXIII. of 1840, are pleased to enjoin, in future, on the part of all the Magisterial functionaries subordinate to them, a strict compliance with the terms and requirements of that enactment.

2nd. In particular, their attention is directed to the Circular Order of the Nizamut Adawlut, No. 40, dated October 9th, 1829, which instructs them, whenever they may have occasion to solicit the interference of the Calcutta Magistrate, in aid of their own process, for the arrest of a fugitive offender, to depute an Officer of their own Court for the purpose of identifying the individual, and of taking charge of him if arrested.

Agra, the 14th December, 1850.

No. 1242.

The 23rd November, 1850.

ERRATUM.

In the 3rd line of Circular Order, Nizamut Adawlut No. 59, dated Lower Provinces 7th, and Western Provinces 28th August 1840, page 44, Volume III., and re-published in the book of "Acts and Orders North Western Provinces," Volume I., page 215, for "*Section* 3, Regulation III., 1812," read "*Section* 2, Regulation III., 1812."

CIRCULAR No. 1906.

To the Criminal Authorities in the North Western Provinces.

The Court think it proper to remind Magistrates that, by Section 6, Regulation VI. of 1803, they are "strictly enjoined to satisfy themselves that all confessions made by prisoners are free and voluntary," and are "further required to take special care that persons upon being apprehended are not made to suffer corporal punishment or otherwise ill-treated, under the pretence of compelling them to answer truly to questions which may be put to them, or under any other pretext whatever."

2nd. Few young Officers, they observe, are aware how often confessions are not spontaneous · and therefore the Magistrates themselves, who are responsible for the discretion with which they entrust their duties to their subordinates and assistants, are bound to exercise a peculiarly watchful care and supervision in this important matter. In connection with this subject, the Court are pleased to direct that, whenever, in capital cases, confessions are taken by other than Covenanted Officers, the Magistrates shall assign the special reasons which made such a measure necessary or advisable.

3rd. More attention than is now apparent should be paid to the record of confessions, in order to ensure the legibility and distinctness of such serious documents as they are. A few minutes more spent in writing would sometimes prevent the waste of hours in reading them, and obviate doubts as well as trouble. The hand-writing of some confessions, which have lately been before the Court, is disgraceful.

4th. Greater pains should be bestowed on the preparation of the sketches prescribed by Clause 3, Section 13, Regulation XX. of 1817. A scale should be adopted for the purpose of showing the relative distance of one object from another. A house and a tree need not be represented by precisely the same diagram.

5th. The Sessions Judges are requested to remark, that in cases referred or appealed to the Nizamut Adawlut, such Maps and a copy of the Calendar, when they form part of the proceedings, should *always* accompany them, and that without such Maps, it is frequently impossible to understand the English Reports, or the contents of the Persian Misl.

6th. As the Court have also noticed, that the rules laid down in paragraph 6 of Circular Order No. 54, dated 16th July, 1830, regarding the transfer of certain essential papers from the Magistrate's proceedings to the record of trial, and in Circular Order No. 211, dated 28th October, 1836, respecting the specification in the Calendar of all documentary evidence produced in cases of forgery, embezzlement and the like, are now frequently neglected, they desire that in future they may not on any occasion be overlooked.

7th. In conclusion, the Court take the opportunity of notifying to Sessions Judges, that it is in their opinion highly inexpedient to compose a Jury entirely of Vakeels and Mukhtears, or of less than three persons.

Agra, the 28th December, 1850.

CIRCULAR ORDERS

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES.

FOR 1850.

No. 1 OF 1850.

To the Revenue Authorities, North Western Provinces.

Confinement of Revenue Defaulters.

Board request attention to Section 11, Regulation XXVII. of 1803, and Construction 892 of Sudder Dewanny Adawlut, which render an application to the Court necessary for the confinement of a Revenue defaulter, in supercession of paragraph 67 of *Directions to Collectors*.

The Sudder Board of Revenue, North Western Provinces, request the attention of Officers in the Revenue Department to Section 11, Regulation XXVII. of 1803, and to Construction 892 of the Sudder Dewanny Adawlut, under the provisions of which it is necessary that a Collector, in sending a Revenue defaulter to the Civil Jail, "shall apply to the Court, by motion in writing, "through the pleader of Government, for the con- "finement of the defaulter."

2nd. The present order, issued under the sanction of Government, is to be considered as superseding paragraph 67 of the *Directions to Collectors*, where a contrary course of procedure is permitted.

Agra, the 29th January, 1850.

No. 2 OF 1850.

To the Collectors of Revenue, North Western Provinces.

Fees for Partition of Landed property by order of a Civil Court.

Board direct alteration of the existing practice in accordance with the orders of the Sudder Dewanny Adawlut, N. W. P., dated 20th February 1850, No. 219.

The Court of Sudder Dewanny Adawlut, have been pleased under Orders dated 20th February, 1850, No. 219, to direct, that, in cases of partition of landed property by order of a Civil Court, the decreeholder shall deposit the estimated amount of fees in the Collector's Office, and not, as hitherto, in the Court issuing the requisition.

2nd. The Revenue Authorities will be pleased to alter the existing practice accordingly, and receive such estimated amount of fees, in the cases referred to, as may be specified in a rescript furnished to the depositor, and addressed to the Collector by the Court.

Agra, the 5th March, 1850.

No. 3 OF 1850.

To the Collectors of Revenue, North Western Provinces.

Fining of Native Officers.

Board draw attention to rules on the subject, and direct that fines on Tehseeldars be reported to the Commissioner of the Division.

The Board at the suggestion of Government, are pleased to direct the attention of Collectors, or other Officers in charge of the Revenue Administration of Districts, to paras. 23 and 24 of the "Directions to Collectors," having reference to the fining of Native Officers, and especially of Tehseeldars.

2nd. It is the desire of Government, that on all occasions, on which it may be thought necessary to impose a fine on a Tehseeldar, the circumstance be immediately reported for the information of the Commissioner of the Division.

Agra, the 22nd March, 1850.

No. 4 OF 1850.

To the Revenue Authorities, North Western Provinces.

Sales in execution of Decrees.

The Board request attention to an order of the Sudder Dewanny Adawlut, prescribing certain formalities, as to the time of sale.

The Sudder Board of Revenue, North Western Provinces, are pleased to direct attention to the Circular of the Sudder Dewanny Adawlut, No. 533, dated the 27th April last, in which the Court have ruled that "the particulars of the time of Sale," required by Section 8, Act IV. of 1846, to be entered in the proclamation, embrace not only the date, but the *name* of the sale-day, and also the hours within which the Sale will be held; and have fixed the period "between the hours of noon and sunset," as that during which alone sales shall take place.

2nd. The Board desire that the Revenue Authorities in the North Western Provinces, will introduce the specifications deemed necessary by the Court, into the Heading of the Proclamation for Sales in execution of Civil Decrees.

Agra, the 7th June, 1850.

No. 5 of 1850.

To the Revenue Authorities, North Western Provinces.

Appeals to the Sudder Dewanny Adawlut.

Attention drawn to the existing rule that all such appeals should be made through the Sudder Board of Revenue.

The Sudder Board of Revenue, North Western Provinces, request the attention of the Revenue Authorities in the North Western Provinces, to para. 165, of their 4th printed Circular, the provisions of which, they observe, are not uniformly carried out. In conformity with the rule referred to, the papers of appeal in every case which it is proposed to bring before the Sudder Dewanny Adawlut, must be submitted to the Board, who will take the necessary steps for instituting the appeal, through the vakeel of Government.

Agra, the 25th June, 1850.

No. 6 of 1850.

To the Revenue Authorities, North Western Provinces.

Suits in which Government is a party.

The Board rule that a copy of the proposed plaint, or defence be invariably forwarded for their inspection, with the report required by Circular F, of 1848.

In addition to the report required under Circular F, dated 12th September 1848, to be submitted in every Civil suit in which Government is concerned, the Board request that a copy of the proposed plaint or defence be invariably forwarded for their inspection.

2nd. This precautionary measure is deemed necessary, because errors in the conduct of suits in the lower Courts have repeatedly come to the notice of the Board, which it has been found difficult to remedy on appeal.

Agra, the 5th July, 1850.

NOTIFICATION.

Trading by Uncovenanted Servants.

Uncovenanted Servants prohibited from engaging in Commercial transactions within the districts in which they are employed.

The Honorable the Court of Directors in a Despatch, dated 26th January 1842, ruled that all Uncovenanted Servants should be prohibited from engaging in any Commercial transactions, within the districts in which they were employed. This prohibition was embodied in a Circular Order by the Sudder Board of Revenue, dated June 14, 1842, which was not however promulgated for general information. The omission has now been brought to notice, and under instructions from the Government of the North Western Provinces is remedied by the present notification.

Agra, the 27th September, 1850.

NOTIFICATION.

Pensions.

Specifies the Pensions which come under the scope of the Government Notification, declaring that they are to be deducted from official allowances.

By an order of Government, dated 20th March, 1846, it was notified in the *Government Gazette*, that the amount of any Pension drawn by a Government servant, should be deducted from his salary.

2nd. The following Extracts of a Despatch from Government, which rules what species of Pensions are to be regarded as coming under the above order, are published for the information and guidance of Officers in the Revenue Department.

Agra, the 4th October, 1850.

APPENDIX:—*Extract paragraphs 2nd and 3rd of a letter No. 2263 of* 1850, *dated the 30th of July*, 1850.

FROM J. THORNTON, ESQ.,

Secy. to Government, N. W. P.,

TO W. MUIR, ESQ.,

Secy. to the Sudder Board of Revenue, N. W. P., Agra,

Dated Head Quarters, the 30th July, 1850.

Para. 2nd. The Lieutenant Governor considers the rule laid down by the Honorable Court of Directors to be applicable to all Pensions of an eleemosynary nature, or such as the Government were originally entitled to grant, or to withhold, at pleasure; and not to such as are claimable of right, as compensation for property taken, or under the terms of a treaty.

3rd. To apply this construction to the cases referred to in your letter under acknowledgment, the rule in question will not affect Pensions given in exchange for land taken for Government purposes, nor Pensions confirmed by law under Regulation XXIV. of 1803. Nor will it affect the stipend of any member of the family of the Nuwab of Furruckabad, or other Chief, supposing that stipend to have been specially guaranteed by treaty. On the other hand, the rule will come into operation in all cases of superannuation Pensions, in cases of allowances granted by the free will of the Government to dependants of Native Chiefs, whose dominions have been incorporated with its own, in those of Pensions granted for the support of ex-Maafeedars, and in others of the same nature.

NOTIFICATION.

Mookhtarnamahs and security bonds in Summary suits.

Such documents to be engrossed on Stamp paper of 8 annas value.

The Sudder Board of Revenue, North Western Provinces, notify for the information of all Revenue Officers subordinate to them, that, according to the views of Government, mookhtarnamahs and security bonds in summary suits must not be received upon plain paper, but be engrossed under Articles 1 and 6, Schedule B, Regulation X. of 1829, on Stamp paper of 8 annas value.

Agra, the 25th October, 1850.

No. 7 of 1850.

To the Revenue Authorities, North Western Provinces, and Saugor.

Prices Current.

Rules prescribed for the periodical ascertainment and record of Prices Current.

The Sudder Board of Revenue, under the instructions of the Government of the North Western Provinces, direct the immediate attention of all Collectors subject to their jurisdiction, to the following rules, for the periodical ascertainment and record of the Prices Current of the chief articles of agricultural produce.

2nd. The returns must be in strict accordance with the annexed Tabular Form, and must show the market prices, as they ruled in the bazaar of the Sudder Station on the last day of each month.

3rd. The attention of the Commissioners of Divisions is requested to the 8th paragraph of the rules.

4th. The several Collectors will select one of the two native officers specified in paragraph 3 for the preparation of the returns, but they will consider themselves responsible, both for their general accuracy, and their regular and early submission.

5th. It must be distinctly understood, that no authority is given or can exist to regulate prices. The duty of the Tehseeldar or Peshkar is simply to record what prices actually range in the market.

6th. When no actual transactions have taken place, the circumstance should be noted at the foot of the return, thus :

WHEAT.	* *SEERS,* 20

* Nominal—no transaction.

Agra, the 10th December, 1850.

RULES (APPENDIX *to Circular Order No. 7 of* 1850), FOR PUBLICATION OF PRICES CURRENT.

1st. It is of importance to the Government and to all classes of the community, that correct information should be available regarding the price of the chief articles of agricultural produce in all the chief Cities in the North Western Provinces. This object may be best attained by periodically publishing with punctuality the Prices Current at those Stations.

2nd. A table in the accompanying Form, in English, Oordoo and Hindi will accordingly be circulated with the *Government Gazette* as early as possible in each month.

3rd. The table will bear the signature of the Tehseeldar, or Peshkar Huzzoor Tehseel, at each Station. That Officer will be responsible for the accuracy of the statement.

4th. The document in Oordoo, so signed, will be forwarded as soon as possible after the close of each month, under an official cover, by the Collector, to the Editor of the *Government Gazette* at Agra.

5th. The entries will show the fair market price of the first sort of each article, on the last market day at the close of the month. The wholesale prices of cotton and goor will be given: the retail prices of all other articles. It must be the actual price, unaffected by any extraneous influence, declared in the public market by the best authorities.

6th. The weights shown must be those fixed by Section 4, Regulation VII. 1833, and the Coin must be the Company's Coin determined by Regulation XVII. of 1835.

7th. All objections to the accuracy or fairness of the Price Current should be addressed to the Collector, who will adopt such means as seem to him best to ensure greater correctness.

8th. Commissioners of Revenue are requested to use their best endeavors that the Returns are made with punctuality and accuracy.

Agra, the 10th December 1850.

Prices Current at the chief Stations in the North Western Provinces, at the close of the Month of 185

Articles.	Stations.																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
	Hissar.	*Dehlie.*	*Saharunpore.*	*Meerut.*	*Allygurh.*	*Moradabad.*	*Bareilly.*	*Budaon.*	*Muttra.*	*Agra.*	*Furruckabad.*	*Cawnpore.*	*Banda.*	*Allahabad.*	*Goruckpore.*	*Mirzapore.*	*Benares.*	*Ghazeepore.*	*Jubbulpore.*	*Saugor.*
Wheat, white,																				
Barley,																				
Gram,																				
Bajra,																				
Joar,																				
Cotton, *W.*,																				
Goor, *W.*,																				
Sugar,																				
Ghee,																				
Rice,																				
Salt Sambhur,																				
Indigo, *W.*,																				
Bhoosa, *W.*,																				
Dal, Mussoor,																				
Grass,																				

N. B.—The entries show the prices of the first sort of each article on the last market day of the month. The prices of Articles marked *W.* are wholesale. The rest retail. The Coins and the Weights are the Company's. The Tehseeldar at each Station is responsible for the fidelity of the entries.

J. THORNTON,
Secy. to Govt., N. W. P.

CIRCULAR C. OF 1850.

FROM R. THORNTON, ESQ.,

Offg. Secy. to the Sudder Board of Revenue, N. W. P., Agra,

TO THE COMMISSIONERS OF THE DEHLIE, MEERUT, KUMAON, ROHILCUND, AGRA, ALLAHABAD, BENARES AND SAUGOR DIVISIONS.

Dated Agra, the 29th October, 1850.

Summary Decree.

Intimating that it has been ruled illegal to propose the real property of sureties for sale in execution of a summary decree for rent.

The Board having observed that the real property of the sureties of defaulting cultivators, is sometimes proposed for sale in execution of summary decrees for rent, direct me to intimate that such practice has been ruled by the Court of the Sudder Dewanny to be illegal, since the law does not permit the sale of any real property for the purpose aforesaid, except that upon which the arrears decreed fell due.

CIRCULAR ORDERS

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES,

FOR 1850.

CUSTOMS.

CIRCULAR A. OF 1850.

FROM W. MUIR, ESQ.,

Secy. to the Sudder Board of Revenue, N. W. P., Agra,

TO THE COMMISSIONERS OF THE DEHLIE, MEERUT, KUMAON, ROHILCUND, AGRA, ALLAHABAD, AND BENARES DIVISIONS,

Dated Agra, the 3rd May, 1850.

Opium Wastage.

Board forward for information and guidance, Extracts of a Letter and its Annexure No 1015, dated 18th April 1850, from the Opium Agent, Ghazeepoor, on the above subject.

The Sudder Board of Revenue North Western Provinces, direct me to forward for the information and guidance of the Local Officers of your Division the accompanying Extracts from a Letter and its Annexure, No. 1015, dated 18th April 1850, received from the Opium Agent Ghazeepoor, respecting a proposed alteration in the consistence of the Opium to be supplied to Collectors for the future.

APPENDIX, No. 1, *to Circular Order A. of* 1850, *Customs Department,*

Extract from Letter No. 1015.

FROM T. P. MARTEN, ESQ., OPIUM AGENT OF BENARES,

TO W. MUIR, ESQ., SECY. TO THE SUDDER BOARD OF REVENUE, N. W. P., AGRA,

Dated Ghazeepoor, the 18th April, 1850.

I deem it my duty to send for your information the accompanying Copy of the recent Orders,* which I have received from the Opium Board to furnish the Abkaree Opium at the high spissitude of 90 per cent. (instead of 70 per cent. as heretofore), and to charge for it at the rate of five rupees eight annas per seer.

Mr Beadon's letter No. 474, dated 3rd April 1850.

The Opium will be in solid cakes of one seer each, wrapped in paper, without the usual envelope of leaves. I do not expect that it can be got ready for delivery before October.

APPENDIX, No. 2, *to Circular Order A. of* 1850, *Customs Department,*

Extract from Letter No. 474.

FROM THE SECRETARY TO THE BOARD OF CUSTOMS, SALT AND OPIUM,

TO THE OPIUM AGENT OF BENARES,

Dated the 3rd April, 1850.

Abkaree.

Para. 1. With reference to your Letter No. 894, dated 20th ultimo, I am directed to transmit for your information copy of the papers noted in the margin,* and to request that the Collectors of the North Western Provinces may, for the present, be charged at five rupees eight annas per seer for Abkaree Opium supplied to them from your Agency at a consistence of 90°.

* Letter No. 417, dated 14th September 1847, to the Behar Agent.
Reply from ditto, dated 24th September 1847, No. 122, with enclosure.

CIRCULAR B. OF 1850.

FROM W. MUIR, ESQ.,

Secy. Sudder Board of Revenue, N. W. P., Agra,

TO THE COMMISSIONERS OF THE DEHLIE, MEERUT, KUMAON, ROHILCUND, ALLAHABAD; AND BENARES DIVISIONS.

Dated Agra, the 25th June, 1850.

In continuation of Circular Order A. of 1850, dated 3rd May, the Sudder Board of Revenue, North Western Provinces, direct me to request that the Collectors of your Division may be informed, that the Opium which will be in future supplied to the Abkaree Department must be sold to the venders at the rate of 11 rupees per cake.

Opium.

In continuation of Circular Order A. dated 3rd May 1850, Board request that the Collectors of his Division be informed, that the Opium which will in future be supplied to the Abkaree Department must be sold to the venders at the rate of 11 rupees per cake.

2nd. These cakes will be prepared at the Agency, so as to contain 10 per cent. of moisture, and to weigh one seer each. Any subsequent loss of weight on the cake in its original packing, must necessarily arise from the evaporation of that moisture, and cannot exceed 10 per cent.; only water being carried off, and the Opium being left of higher consistence, and of unaltered value. The cakes will therefore be delivered by tale and not by weight; and the scale of admissible wastage is accordingly withdrawn.

3rd. When the annual supplies are received from the Opium Agency, each cake should be weighed and marked, and a note recorded of the weight; and what is not immediately issued should be carefully repacked and stored.

4th. The quantity of dry Opium in each cake is greater than has hitherto been supplied in each seer, and also considerably exceeds the quantity rateably covered by the increase of price at which it is to be supplied to the vender.

5th. These particulars should be explained to the Abkaree Farmers to reconcile them to the change of conditions.

NOTIFICATION.

Double Duty.

The "double duties" prescribed in the Resolution of Government of 10th February 1844, are not in addition to the single duty originally levied.

The Sudder Board of Revenue, North Western Provinces, have ascertained that the penalty "double duties," in the Resolution of Government, dated 10th February 1844, has by some of the Subordinate Officers been construed to signify, the imposition of double duty in addition to the single duty originally levied, that is, in effect, to a treble duty on that part of the despatch for which a Rowannah was originally taken out.

2nd. It is therefore notified, that such construction is erroneous, and that the term "double duty" means only double duty on the whole despatch, from which is to be deducted the sum originally paid for the Rowannah.

Agra, the 5th November, 1850.

CIRCULAR ORDERS

OF THE

ACCOUNTANT'S OFFICE,

NORTH WESTERN PROVINCES.

FOR 1850.

No. 257 OF 1850.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

A question having arisen as to the competency of Commissioners of Revenue to authorize the disbursement of monies from the Local Agency Funds, I have the honor, under instructions from Government in the Revenue Department, dated 30th May last, to request that you will adopt the rules contained in pages 42 and 62 of the Accountant's Manual so far as they relate to the above Fund. You will, however, be good enough to observe that the rules contained in that publication refer only to annual income collected from Nuzzool property, such as rents or proceeds from the sale of produce. These are accordingly to be at the disposal of the Local Agents under the sanction of the Commissioner. But this permission does not extend to receipts from capital such as those derived from the sale of Nuzzool lands, houses or other real property. Receipts of this nature will remain at the disposal of Government, and special sanction must be obtained before they can be expended by the Local Agents.

2nd. You will therefore, in affording credit in your Treasury accounts for sums realized on account of "Local Agency Fund," be careful to specify distinctly the particular source from whence such receipts have been derived, in order that this Office may possess the means of ascertaining and distinguishing the portions of the Fund properly at the disposal of the Committee, and that which is appropriable only under the special orders of Government.

Agra, the 7th January, 1850.

No. 258 OF 1850.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

Adverting to the voluminous Annual Account Particulars of Deposits ordinarily received from Revenue and Judicial Officers, I beg to draw your attention to the fact that such accumulations of Deposits not only tend to encumber the accounts of District Officers, but involve considerable labor and loss of time in the preparation of the Mofussil Returns, and in their check in this Office. I request accordingly that you will make it a rule, at least once a quarter, personally to ascertain the causes that may have contributed to the retention of items in your Deposit Accounts, and take measures to ascertain the existence or otherwise of claimants to such Deposits, especially those of long standing; and otherwise to promote their removal with a view to keeping down this head of account as low as possible.

2nd. Deposits made by public Officers for public purposes are particularly susceptible of periodical adjustment, and should not be allowed unnecessarily to encumber this head of accounts.

3rd. Your Annual Account Particulars is capable of being greatly curtailed by attention to the concluding para: of the Circular from this Office No. 221, dated 17th May 1847, and it should always indicate in the Column of Remarks the causes why the items are still retained under that head.

Agra, the 24th January, 1850.

No. 259 OF 1850.

To all Officers in charge of Civil Treasuries in the North Western Provinces, and Punjab and Trans-Indus Territory.

I beg to annex for your information and guidance copy of a Circular Letter No. 6249, dated 5th instant, addressed to all Pay Masters by the Accountant to the Miliary Department at the Presidency, having reference to the course to be adopted in the event of the monthly credit allowed to Pay Masters upon any Treasury, on account of Pay and Allowances of Troops within their circle of payments being overdrawn.

2nd. When the Pay Masters' Bills on the above account greatly exceed in the aggregate, the amount indicated in the Military Accountant's letters of credit, sent to you direct from his Office, you will be pleased to bring the circumstance to the notice of this Office.

Agra, the 4th March, 1850.

No. 6249 of 1849-50.

To all Pay Masters.

Fort William, the 5th February, 1850.

Instances having occurred in which Officers in charge of Civil Treasuries have refused to honor Pay Masters' Drafts upon them for amounts exceeding the credit allowed, it becomes necessary, in order to obviate inconvenience to the holders of such drafts, to request that you will be so good as to give every attention in the preparation of your Monthly Estimates so as to include the full amount of credit you may require on each public Treasury in payment of Pay and Allowances of the Troops in your division of payment; but if under any peculiar circumstances the amount of your credit on any particular Treasury fall a little short of your requirement, you will be pleased to state the cause of your overdrawal in your letter of advice to the drawee.

I have, &c.,

(Signed) R. WALKER,

Accountant Military Department.

FORT WILLIAM,
Office of Accountant, Military Department,
The 5th February, 1850.

No. 260.

To the Post Masters in the North Western Provinces.

The practice which generally prevails of entering in the Monthly Cash Accounts of the Post Masters, the amount of "*deductions on account of Postage on forward Letters, &c.*" in the aggregate, without specification of the proportion of *Banghy* Postage included therein, being insufficient for the purposes of check and adjustment in this Office, I have to request, that in future, you will furnish such specification at foot of the Memorandum of Postage Collections on the back of your Cash Accounts, as is shewn in the accompanying Form marked A, which is herewith forwarded for your guidance.

2nd. The same specification being required in respect to similar deductions made from Postage collections, that have been brought to credit in Cash Accounts for the past months of the current official year, you are requested to prepare and submit to this Office, without delay, a Statement according to the annexed Form marked B.

Agra, the 3rd December, 1849.

FORM A.

Amount of Postage at the Principal and each Subordinate Post Offices in *Division during the*

Month of 18 .

	Names of Principal and Subordinate Post Offices.																								Total.		
On Letters, Post paid, despatched,	400	0	0	20	0	0	10	0	0	30	0	0													460	0	0
On Letters, Bearing, received,	100	0	0	5	0	0	3	0	0	8	0	0													116	0	0
On Express,	0	0	0	0	0	0	0	0	0	0	0	0													0	0	0
On Parcels, Post paid, despatched,	30	0	0	0	0	0	0	0	0	0	0	0													30	0	0
On Parcels, Bearing, received,	80	0	0	0	0	0	0	0	0	0	0	0													80	0	0
On Gazette, Post paid, despatched,	0	0	0	0	0	0	0	0	0	0	0	0													0	0	0
On Gazette, Bearing, received,	15	0	0	4	0	0	2	0	0	0	0	0													21	0	0
Viâ Bombay Steam Postage Letters, sent,	5	0	0	0	0	0	0	0	0	0	0	0													5	0	0
Viâ Bombay Ditto ditto received,	4	0	0	0	0	0	0	0	0	0	0	0													4	0	0
Viâ Calcutta Ditto ditto sent,	3	0	0	0	0	0	0	0	0	0	0	0													3	0	0
Viâ Calcutta Ditto ditto received,	1	0	0	0	0	0	0	0	0	0	0	0													1	0	0
Viâ Madras Ditto ditto sent,	0	0	0	0	0	0	0	0	0	0	0	0													0	0	0
Viâ Madras Ditto ditto received,	0	0	0	0	0	0	0	0	0	0	0	0													0	0	0
Total,	638	0	0	29	0	0	15	0	0	38	0	0													720	0	0
Deduct as follows:—																											
Postage on Forward Letters and Gazettes.	10	0	0	5	0	0	2	0	0	16	0	0													33	0	0
	628	0	0	24	0	0	13	0	0	22	0	0													687	0	0
Postage on Forward Parcels and Pamphlets transmitted by Banghy,	20	0	0	6	0	0	2	0	0	3	0	0													31	0	0
Nett,	608	0	0	18	0	0	11	0	0	19	0	0													656	0	0

FORM B.

Specification.

Cash Account for	Deductions		Total.
	On account Postage on Forward Letters and Gazettes.	*On account Postage on Forward Parcels and Pamphlets transmitted by Banghy.*	
May 1849, ...			
June 1849, ...			
July 1849, ...			
August 1849, ...			
September 1849, ...			
October 1849, ...			
November 1849, ...			
December 1849, ...			
January 1850, ...			
February 1850, ...			

No. 261.

To Collectors and other Officers in charge of Treasuries in the North Western Provinces and Punjab Territory.

You will herewith receive copies in English and copies in Oordoo of a Memorandum containing instructions for the information and guidance of yourself and of Officers Commanding Treasure parties; and you are requested on all occasions of making specie Remittances, to furnish such Officers with a copy, with a request to preserve and deliver the same to the Collector or other Officer to whom the Treasure is consigned, who will return the same to you when forwarding you his receipt for the Remittance. Should the Treasure party be relieved at any intermediate station, the Officer relieved will make over the Memorandum to the relieving Officer for disposal in like manner.

2nd. The Memorandum in English is intended for European Officers, and that in Oordoo for Native Officers Commanding Treasure Escort parties.

Agra, the 3rd April, 1850.

Memorandum to be delivered over to the Officer Commanding an Escort, on every occasion of making a Remittance of Specie.

When Treasure is sent in Boxes, the weight of each Box should be stated in the Chulan, and in the receipts signed by the Military Officer in charge of the Escort.

2nd. The responsibility of Military Officers appointed to escort Treasure, extends to the preservation and safe delivery of a certain number of Tumbrils, Chests or Boxes, said to contain so much money, and the receipts which they sign should express so much; they are not expected to count the money.

3rd. When the Treasure is packed in Boxes, the Officer should witness the weighment of each Box, and give a receipt for its gross weight, and upon delivery should require a similar receipt from the consignee for transmission to the Remitting Officer. When Treasure is delivered over from one escort to another, the Boxes should be re-weighed in the presence of the Officers Commanding the relieved and the relieving parties. When such reliefs take place at stations where there is no Treasury, the Collector of the District should be requested to send scales and weights.

4th. When the Treasure is sent in Tumbrils or lock-up Chests, the keys should be entrusted to the custody of the accompanying Poddar, if there be only one lock to each Tumbril or Chest; but if there be two locks, the key of one should be kept by the Officer Commanding, and that of the second by the Poddar, and in no case should the Officer allow any Tumbrils or Chests to be opened while in transit from one Treasury to another. See General Order Commander-in-Chief, dated 15th October 1832, Government General Order No. 166, dated 12th November 1838, and the Circular of the Adjutant General, dated 27th March 1839. See also page 273 of the Pay and Audit Regulations.

5th. When wooden Boxes are used for Remittances (which should always be the case in remitting money to the Assay Master at Agra or the Mint Master at Calcutta), care should be taken that the Boxes are made of well seasoned wood, clamped with iron and tape put on all sides secured with several seals sunk at least half an inch *into the wood*, so that they may escape injury by rubbing and further secured over the Gunny covering with strong rope and sealed; no Box should ordinarily contain more than Rs. 5,000, and in no case should more than Rs. 8,000 be packed in one Box, each Box should have its number and the Collectorship from which it is dispatched conspicuously marked on, and within the lid, and on the Gunny if used as a covering; the number should also be cut into the wood of the Boxes.

6th. In transmitting Treasure by Government Steamers, Government have ruled that the Commander of the vessel conveying Treasure, and the Officer in Command of the escort, are jointly responsible for the due protection of the Treasure while on Board, and for its safe delivery to the consignee, and they are conjointly empowered and directed to give the Remitting Officer the receipt for so many packages (describing the marks, number and weight), said to contain so much Treasure, and generally to execute the instructions which may be given to them relative to such remittances, and with a view to an efficient co-operation, they are severally to be furnished with instructions as to the disposal of remittances under their joint charge. The Officers are responsible for delivering the Boxes with unbroken seals. The weight of each Box is to be taken at the time of receipt on board of any Government Steamer, and the Steamers are provided with accurate scales and standard weights for the purpose.

7th. To each Box designed for water conveyance (other than the Government Steamer) or having to cross any unfordable stream in transit by land, should be attached a buoy formed of a piece of unsplit bamboo about three feet in length, and not less than nine inches in circumference with a rope at least 20 cubits in length, (its thickness being about an inch in circumference), one end of which should be securely fastened to the Box, and the other to an orifice in the bamboo buoy. The rope should never be wound about the Boxes but should be placed loose, with the buoy, upon the several Boxes.

8th. Officers Commanding Treasure Escorts should, when receiving Treasure, be particularly requested to enforce this rule, carefully seeing while the Treasure is on board the boats, that the buoys are kept attached to their respective Boxes, and that the ropes are not entangled or wound about the Boxes, so that in the event of the boats sinking the buoys may readily indicate the position of the Treasure, and lead to its immediate recovery.

9th. When the distance to which Treasure is remitted is under one hundred miles, one Poddar will be sufficient to send therewith; and more than two Poddars should never accompany a remittance, however great the distance, and however large the remittance may be, without especial instructions from the Accountant.

10th. Collectors on all occasions of making specie Remittances, will make suitable advances to the cart or bullock men under proper securities, and place ample funds in charge of the Poddar accompanying a Remittance for meeting any incidental expenses.

11th. The Collectors and Magistrates of Districts through which remittances are to pass, will be written to by the Remitting Collectors and by Collectors who may have to pass Remittances for other Collectors, on the dispatch of a Remittance, to render prompt assistance to the Officer Commanding the Treasure party, and the attending Poddar in replacing or relieving carts or bullocks, advancing necessary funds, and supplying Boxes that may be broken in transit, and in every other way that may be necessary: any incidental expenses incurred by the Poddar should be attested by the Officer Commanding the Escort.

12th. Any specie Remittance passing through a District to another, must be carefully looked after, and the state of the boxes and carts on its arrival and departure immediately reported to the Accountant by the Collector of such District: on its arrival that Officer will ascertain either personally or through his Deputy the condition of the carts, bullocks, boxes, and fresh or new ones, when required, must be supplied without delay, as escort parties and particularly Corps or Detachments taking charge of Treasure when *en route* to their destination under relief, or other circumstances, must not be unnecessarily detained.

13th. The attending Poddar, though responsible for the contents of the Treasure Boxes or Tumbrils, is under the orders of the Officer Commanding the Escort, who will in *company with the Poddar* examine the state of the Boxes or Tumbrils *every morning* before starting, and *every evening* on halting.

14th. When money is required by the Poddar for necessary repairs or for other necessary purposes, such as repairing Boxes, paying Cartmen, &c., the Officer in Command of Escorts will cause the Poddar to state *distinctly* in writing what is required, and forward this statement with his own remarks on it, to the Collector of the District, through which the convoy may be moving, and call on him to furnish the Poddar *without delay* with the necessary advance or other aid, and charge for the same: the Collector from whose Treasury the Remittance originally started, and to whom copies of all correspondence which may pass must with the *least possible delay* be furnished, both by the Officer Commanding the Escort, and by the Collector affording the aid: sometimes a Treasure party takes up *en route* an additional remittance from another District Treasury, in such case the correspondence must be sent to the Collector to whose Poddar assistance was rendered.

15th. When any aid of the nature described above is urgently required at a distance from the Collector's Office, the Officer Commanding the Escort will act strictly as above directed, but at the same time send a copy of the Poddar's Statement to the nearest Tehseeldar or Thanadar, and demand for the Poddar whatever may be necessary.

16th. The Officer Commanding the Escort will on no account give his own receipts for an advance made by a Collector, but must see that the necessary receipts are given by the Poddar.

17th. The Officer Commanding the Escort will report to the Remitting Collector any misconduct on the part of the Poddar, and in case of the death of the Poddar, will immediately write to the Remitting Collector, and request him to appoint some other person to take charge of the Treasure.

18th. The Remitting Collector will on making over the Treasure give to the Officer, (European or Native) Commanding the Escort a general "Rahdaree Purwannah," or aid-securing passport, which the Officer can produce when aid is required from a Tehseeldar or from the Police, but will not part with that document, as it must be passed on to the Officer relieving the Escort, and eventually returned to the Collector from whom it was received together with such remarks as may be called for.

No. 262 of 1850.

To all Officers in charge of Revenue Treasuries in the North Western Provinces, and Punjab and Trans-Indus Territory.

I have the honor to request that you will adopt the following Form of Entry in bringing to credit all subscriptions to the Bengal Civil Fund, for January 1850 and subsequent periods, in your Monthly Treasury Accounts; being guided strictly by the deductions indicated in the Audit Entries on the Bills or Abstracts of Local Officers, viz.

To Civil Fund.

Subscriptions of the undermentioned Officers.

Name.	Office.	For what month or broken period.	Ordinary. 2½ per cent. Co.'s Rs.	Additional from Married Subscriber. 2 per cent. Co.'s Rs.	For Children. No. of children.	Rate per cent.	Amount. Co.'s Rs.	Total of each. Co.'s Rs.	
A B, Esq., ..	Commissioner, ..	Jany. 1850,	79 2 8	63 5 4	3	0 12 0	23 11 4	166 3 4	
C. D., Esq., ..	Judge, ...	Ditto,	62 8 0	50 0 0	1	0 4 0	6 4 0	118 12 0	
E. F., Esq.,	Magistrate and Collector,	Ditto,	56 4 0	45 0 0	3	1 0 0	22 8 0	123 12 0	
G. H., Esq.,	Joint Magistrate and Deputy Collector,	Ditto,	17 8 0	14 0 0	2	0 6 0	2 10 0	34 2 0	
J. K., Esq.,	Officiating Commissioner at Rs. 250,	20th to 31st do.	2 8 0	2 0 0	3	0 12 0	0 12 0	5 4 0	
L. M., Esq.,	Assistant to Magistrate and Collector,	Jany. 1850,	10 0 0	0 0 0	0	0 0 0	0 0 0	10 0 0	
			227 14 8	174 5 4			55 13 4		458 1 4

Agra, the 15th April, 1850.

No. 263 OF 1850-51.

To all Officers in charge of Civil Treasuries in the North Western Provinces, and Punjab and Trans-Indus Territory.

Under instructions from Government in the Financial Department, dated 21st instant, I have the honor to request that you will discharge the Salary Bills of Mr. H. B. Riddell as Post Master General of the North Western Provinces, whenever they may be presented to you, duly audited for payment, charging their gross amounts under a head "By Post Office Remittances" supported by the Audited Vouchers, and crediting the deductions indicated in the Audited Entry on account of the Civil and Annuity Funds, &c., in the usual manner.

2nd. Mr. Riddell is also to be considered as entitled to obtain drafts payable at sight from one District Treasury upon another to an amount not exceeding his Monthly Salary.

Agra, the 26th June, 1850.

No. 264.

To all Officers in charge of Civil Treasuries in the North Western Provinces, and Punjab and Trans-Indus Territory.

Having received intimation in a recent communication from the Assistant Accountant to the Government of Bengal, that a new Treasury was formed at Sumbulpoor, under the Huzarecbaugh Agency in January last, having authority to draw Bills on other Treasuries, I have to request, that you will duly honor all Bills that may be drawn upon your Treasury by the Principal Assistant Agent at Sumbulpoor, under existing rules, and debit their amounts under "Bills" subordinate to "By Remittances of the Revenue Department" against the "Bengal Presidency."

2nd. You are authorized to draw also on that Officer for ordinary public purposes in accordance with existing rules.

3rd. You are requested to add Sumbulpoor as No. 28 A. under Singbhoom "in the list of Bengal Treasuries" given at Pages 118 and 195 of the Accountant's Manual.

Agra, the 20th August, 1850.

No. 265.

To all Officers in charge of Civil Treasuries in the North Western Provinces, and Punjab and Trans-Indus Territory.

The practice of issuing Bills of Exchange in favor of Secretaries of Banks and other private Joint Stock Companies, or in favor of the Companies themselves without specifying the names of the individuals to whom the amounts thereof are payable, is irregular

and objectionable, and throws the labor and responsibility of ascertaining from evidence extraneous to the Bill itself, the personal identity of the payee upon the paying Office. I have to request that you will guard against this objectionable practice on all occasions of issuing Bills of Exchange from your Office upon other Treasuries, taking care always to insert the proper name of a party as the Payee.

2nd. The above rule, however, will not so strictly apply to Bills drawn in favor of persons holding appointments under Government as in cases of doubt, a reference to the *Government Gazette* will easily decide to whom payment should be made; but even in such cases it is desirable that the names of the parties together with their official designations should be given.

3rd. The above rules being equally applicable to endorsements, care must be taken to see that endorsements bear the proper names of the endorsees.

Agra, the 16th October, 1850.

No. 266 of 1850-51.

To all Officers in charge of Public Treasuries in the North Western Provinces, and Punjab Territory in the Revenue, Political and Civil Buildings Departments.

With a view to effect the earliest possible adjustment of the value of stores obtained from Magazines for temporary purposes in the Civil Department, and subsequently returned to the same or to another Magazine, I have to request, at the suggestion of the Military Board, that you will on occasions of returning articles into store and obtaining receipts for them from the Officer in charge of the Magazine, procure at the same time from such Officer extracts from the Survey Reports held on them which exhibit their condition on receipt and forward both these documents direct to the Secretary to the Military Board when the valuation Invoices of the returned stores will be at once prepared, and the necessary credit afforded.

2nd. You will be pleased not only to adopt this course yourself, but also point it out to those public Officers the value of stores issued, to whom may be pending adjustment in your accounts under the instructions of this Office.

Agra, the 4th December, 1850.

No. 267 of 1850-51.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces, and the Punjab and Trans-Indus Territory.

With reference to the Circulars issued from this Office, Nos. 122 and 196 dated 22nd August 1842, and 29th September 1845, and to page 118 of the Accountant's Manual, I beg to inform you that the Treasury under charge of the Superintendent

at Darjeeling has under Orders of Government been transferred to the Revenue Department from the 1st May 1850, and to request accordingly that you will in future debit the amount of drafts which may be drawn by that Officer upon your Treasury under the rules indicated in the first cited Circular to the head of "Bills Payable of the *Revenue Department*" subordinate to the Bengal Presidency, instead of "Bills Payable of the *Political Department*" as heretofore.

Agra, the 16*th December,* 1850.

NOTIFICATION.

Much inconvenience has been caused in this Office, and to Officers in charge of Public Treasuries in the North Western Provinces, by the illegibility of Signatures. All parties having transactions with the Public Treasuries, and particularly Officers, who are required to furnish Official accounts, or who are in charge of Treasuries are hereby requested, when attesting Accounts, Letters, Drafts, Advices, Receipts, Endorsements, and the like, to write their names and Offices in a clear and legible hand. Any Draft or Document relating to a money transaction, will be liable to be returned to the party from whom it may have been received if the attesting signature cannot be clearly deciphered.

Agra, the 2*nd July,* 1850.

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DURING THE YEAR

1851.

REPUBLISHED

FROM THE AGRA GOVERNMENT GAZETTE,

By Order

OF THE

HON'BLE THE LIEUTENANT GOVERNOR,

NORTH WESTERN PROVINCES.

AGRA:

PRINTED AT THE SECUNDRA ORPHAN PRESS.

1852.

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To amend Regulation XIII. 1810, *of the Bengal Code, for the trial of appeals.*

Whereas the Sudder Dewanny Adawlut of the North Western Provinces of the Presidency of Fort William in Bengal, as now constituted, comprises three Judges only, and appeals cannot therefore be entertained according to Regulation XIII. 1810 of the Bengal Code, and Act II. 1843, where the judgment appealed from was passed by one of the said Judges, and it is therefore expedient that the said Regulation be amended, It is enacted as follows:

I. No Judge of either of the Courts of Sudder Dewanny of the Presidency of Fort William in Bengal, shall be disqualified from being one of three Judges sitting for the hearing and decision of an appeal, by reason of his having passed the decision in the lower Court, against which the appeal is made.

The 11th April, 1851.

ACT No. VIII. of 1851.

An Act for enabling Government to levy Tolls on public Roads and Bridges.

Whereas it is expedient to enable Government to levy Tolls upon Roads and Bridges, it is enacted as follows:

I. Acts II. 1837 and VIII. 1838 are repealed, but not so as to revive any Regulation or Act thereby repealed.

II. The Governor of the Presidency of Fort William in Bengal, the Lieutenant Governor of the North Western Provinces of Bengal, the Governor of the Presidency of Fort St. George in Council, and the Governor of the Presidency of Bombay in Council, may cause such rates of Toll, not exceeding the rates mentioned in the Schedule annexed to this Act, as they respectively think fit, to be levied upon any Road or Bridge which has been, or shall, hereafter, be made or repaired at the expense of the Government; and may place the collection of such Tolls under the management of such persons as may appear to them proper: and all persons employed in the management and collection of such Tolls, shall be liable to the same responsibilities, as would belong to them, if employed in the collection of the Land Revenue.

III. In case of non-payment of any such Toll, on demand, the Officers appointed to collect the same may seize any of the carriages or animals on which it is chargeable, or any part of their burden of sufficient value to defray the Toll; and, if any Toll remains undischarged for twenty-four hours, with the cost arising from such seizure, the case shall be brought before the Officer appointed to superintend the collection of the said Toll, who may sell the property seized for discharge of the Toll, and all expenses occasioned by such non-payment, seizure, and sale, and cause any balance that may remain, to be returned on demand to the owner

of the property: and the said Officer, on receipt of the property, shall forthwith issue a notice that, at noon of the next day, exclusive of Sunday, or any close holiday, he will sell the property by auction. Provided that if at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the Toll payable by him, the said Officer shall forthwith release the property seized.

IV. No Tolls shall be paid for the passage of Troops and Military Stores and Equipages on their march, or of Police Officers on duty, or of any person or property in their custody; but no other exemption from payment of the Tolls levied under this Act shall be allowed.

V. All Police Officers shall be bound to assist the Toll Collectors, when required, in the execution of this Act, and, for that purpose, shall have the same power which they have in the exercise of their common Police duties.

VI. Every person, other than the persons appointed to collect the Tolls under this Act, who shall levy or demand any Toll on any public Road or Bridge, or for passing through any bazar situated thereon, and also every person who shall unlawfully and extortionately demand, or take any other or higher Toll than the lawful Toll, or under colour of this Act, seize or sell any property, knowing such seizure or sale to be unlawful, or in any manner unlawfully extort money, or any valuable thing from any person under colour of this Act, shall be liable, on conviction before a Magistrate, to imprisonment for any term not exceeding six calendar months, or to a fine not exceeding two hundred Rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved; but this remedy shall not be deemed to bar, or affect his right to have redress by suit in the Civil Court of the Zillah.

VII. A Table of the Tolls authorized to be taken at any Toll-gate or Station, shall be put up in a conspicuous place near such Gate or Station, legibly written or printed in English words and figures, and also in those of the Vernacular language of the district, to which shall be annexed, written or printed, in like manner, a statement of the penalties for refusing to pay the Tolls and for taking any unlawful Toll.

VIII. The Tolls levied under this Act, shall be deemed public revenue; but the net proceeds thereof shall be applied wholly to the construction, repair, and maintenance of Roads and Bridges, within the Presidency in which they are levied.

SCHEDULE.

On every four-wheeled Carriage on springs,	2 Rupees.
On every two-wheeled Carriage on springs (except Native Hackeries),	1 Rupee.
On every Native Hackery on Springs,	2 Annas.
On every four-wheeled Carriage without Springs,	6 Annas.
On every two-wheeled Carriage without Springs,	4 Annas.
On every Cart and Hackery not on Springs, and having wheels of less diameter than three feet six inches and tires less in breadth than three inches,	8 Annas.
On every Cart and Hackery not on Springs, and not having wheels of less diameter than three feet six inches and tires less in breadth than three inches,	2 Annas.
Buffaloes or Bullocks per head,	6 Pie.
On every Elephant,	1 Rupee.
On every Camel,	4 Annas.
On every Horse,	1 Anna.

On every Tattoo,	6 Pie.
On every score of Sheep or Goats,	2 Annas.
On every herd of Swine per hundred,	4 Annas.
On every Mule,	3 Pie.
On every Ass,	2 Pie.
On every Palanquin or Tonjon with Bearers,	1 Rupee.
On every Palna or small Native Palanquin with Bearers,	4 Annas.
On every Native Dooly with Bearers,	2 Annas.
On every person carrying a load for hire,	2 Pie.*

The 4th July, 1851.

* N. B.—Animals drawing a Vehicle for which Toll can be demanded are not to be also charged with Toll.

ACT No. X. OF 1851.

To amend Act XX. 1841 *for the administration of personal Estate of deceased persons.*

For amendment and extension of the power to grant Certificates of Administration of the personal Estate of deceased persons under Act XX. 1841, It is enacted as follows:

I. In the case of disputes among persons, claiming to be jointly entitled proprietors of any public Securities of the East India Company, as the representatives of any deceased person, the District or Zillah Judge, whenever sufficient cause shall be shown to him, and on the request of any such claimant, may grant a Certificate of Administration of the personal Estate of the deceased, so far as concerns the said Securities according to Act XX. 1841, to such persons as shall be from time to time appointed by the Governor of Bengal, and Governors of Madras and Bombay in Council respectively, to act as Trustee under this Act; and shall specify in such Certificate the several persons appearing to him to be such proprietors, and their several shares; and the said Trustee, by virtue of such Certificate, shall be entitled to receive and give discharges for the interest accruing due on such Securities and shall account for, and pay the sum, to the several persons specified in the Certificate to be thereunto entitled, according to the shares therein set forth; and shall be empowered to act in all other respects concerning the said Securities as Agent for such persons; and shall be entitled to the same rate of Commission upon all such transactions as is allowed to the Government Agent for the time being on the like transactions, as Agent of the public creditors of the East India Company, by any Regulations from time to time made by the Governor General of India in Council: Provided, nevertheless, that the right of any other person to recover the whole or any part of the monies so paid, by regular suit against all or any of the persons to whom the same have been paid, shall not be affected by this Act.

II. If any such disputes, among persons claiming to be proprietors of public Securities of the East India Company, are not ended within two years from the date of the Certificate of Administration granted by any District or Zillah Judge, the said Trustee may apportion the principal sum of the said Securities rateably among the parties appearing, from the aforesaid Certificate, to be proprietors thereof, and may apply for, and receive new Securities from the proper Officer appointed to issue the same, in the respective names of the several parties certified to be entitled thereto; provided that such new Securities shall be issued only according to the rules in use for the regulation and issue of such public Securities; and the receipt of the said Trustee for such new Securities by endorsement on the old Securities or otherwise, shall be a legal discharge to the East India Company against the disputing parties claiming to be entitled to the several amounts for which such Securities shall be

issued; Provided always that, if the amount of any Securities in dispute or any part thereof, shall not be sufficient to admit of their rateable division according to the Rules applicable to the issue of such Securities, the said Trustee may sell, and dispose of the disputed Securities, or such part as shall be necessary under this provision, and apportion the proceeds thereof among the parties entitled to receive the same.

III. Every such Certificate granted to the Trustee appointed under this Act, shall be taken to supersede and annul any previous Certificate given of a half or any other share in the said personal Estate, so far as concerns the said Securities.

IV. As regards Residents in Foreign States, out of the Jurisdiction of British Courts of Justice, a Certificate of Administration to personal Estates granted by the British Representative accredited to that State, or as regards the Residents in any district to which Act XX. 1841 does not extend, such Certificate granted by the British Officer in that district, holding the highest executive authority, shall have the same effect, as regards public Securities of the East India Company, as a Certificate granted to a native subject of Her Majesty under the provision of Act XX. 1841, as amended by this Act.

V. This Act shall be construed with, and as part of Act XX. 1841.

The 18th July, 1851.

ACT No. XI. OF 1851.

For the Custody of Registers of Deeds in the Presidency of Bengal.

Whereas by Act XXX. 1838, provision was made for the establishment of Offices for the Registry of Deeds, at any civil stations under the superintendence of any Officer, resident at such stations, whom Government may nominate for that purpose: and whereas the deposit of such registers among the records of the Dewany Adawlut as required by Regulation XXXVI. 1793 of the Bengal Code and other Regulations cited in the said Act is inconvenient, It is enacted as follows:

The Register Books of Offices established under Act XXX. 1838 shall be deposited in the Lower Provinces of the Presidency of Bengal, among the records of the Magistrates or Joint Magistrates, and in the North Western Provinces of the said Presidency, among the records of the Collectors of the stations where such Offices have been, or shall be hereafter established.

The 26th September, 1851.

ACT No. XVI. OF 1851.

An Act for the trial of Receivers of Stolen Property.

For the trial of Receivers of stolen property, where the principal is tried, or where the property is found in their possession, or where the receiving takes place, It is enacted as follows:

I. Every person who receives any chattel, money, valuable security, or other property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained, or converted, whether charged as an accessary after the fact to the felony, or with a substantive felony or with a misdemeanor only, may be dealt with, indicted, tried, and punished in any place in which he shall have, or shall have had, any such property in his possession or in any place in which the party guilty of the principal felony or misdemeanor may by law be tried, or in the place where he actually received such property.

The 26th December, 1851.

ORDERS OF THE GOVERNMENT,

NORTH WESTERN PROVINCES.

For 1851.

No. 149.

Notification,—Judicial Department,—the 18th January, 1851.

With reference to the Notification of Government, dated 19th March 1844, the Lieutenant Governor is pleased to direct that all applications for the issue of rewards, for the recovery of escaped Convicts from the Jails under the Inspector of Prisons, shall be made to that Officer, who is hereby authorized to sanction the offer of such rewards, to an amount not exceeding 100 Rupees in each case. If it is desired to offer a larger reward than the above, the Inspector will report the case for the previous sanction of Government.

No. 263.

Appointments,—Judicial Department,—the 29th January, 1851.

The Magistrates of Benares, Allahabad, Cawnpoor, Meerut and Agra, and Superintendent of Dehra Doon, and their Successors, together with the Joint Magistrates appointed to the above stations for the time being, are empowered, in accordance with an order of Her Majesty in Council, dated the 7th January, 1850, in their capacity of Justices of the Peace, (as soon as they shall have qualified themselves to act in that capacity) to enlist and attest any Soldiers or persons desirous of enlisting or re-enlisting into the Service of Her Majesty, Her Heirs and Successors, agreeably to the Provisions of Her Majesty's Warrant under the new Mutiny Act.

The above Officers are likewise empowered to enlist and attest Soldiers, or other persons desirous of re-enlisting or re-attesting into the Service of the Hon'ble East India Company.

No. 428.

Notification,—Revenue Department,—the 11th February, 1851.

Under the powers vested in the Lieutenant Governor of the North Western Provinces, by Section I., Act VII. of 1845, the provisions of the Act in question are declared applicable to the Canals and Water-courses constructed at the expense of Government, from all the rivers which pass through the Pergunnahs of Gudderpoor, Roodcrpoor, and Kilpory, in Zillah Barcilly.

2nd. It is hereby declared that the powers vested in Captain Jones, Superintendent of Canals, and in his Assistant, by the Notification of Government, dated 30th August 1848, with regard to the Paha, and other rivers in Zillah Barcilly, are extended to all the Canals and Water-courses mentioned in the first paragraph of these Orders, and that the Rules laid down in the above Notification for the levy of rent and other purposes, shall be equally applicable to the Canals and Water-courses in question.

No. 2.

Notification,—Foreign Department,—the 14th February, 1851.

With reference to paragraph 2 of the Notification by Government, dated 11th March, 1847, prescribing rules under which Military Officers may obtain passes for private property, which they may wish to transmit through Foreign Territory from one part of the British Territory to another, the Hon'ble the Lieutenant Governor is pleased to direct, that whenever any person, not being a Military Officer or Soldier of the British Army, may wish to obtain a pass for the above purpose, he shall apply for the same to the Magistrate and Collector of the nearest district to the Foreign State through which the goods are to be conveyed. The Magistrates and Collectors of the Frontier districts are hereby authorized to grant such passes, under their seals and signatures, in the Form A annexed to the Notification above referred to, whenever they consider that the privilege can be equitably claimed.

No. 824.

Notification,—Judicial Department,—Agra, the 7th March, 1851.

With reference to the orders of Government, promulgated by the Sudder Board of Revenue, North Western Provinces, in their Circular, dated 11th October, 1844, the Hon'ble the Lieutenant Governor is pleased to direct that the rule therein laid down shall be equally applicable to Deputy Collectors, Tehseeldars or other Revenue Officers, who may also be employed as Deputy Magistrates, or as Officers of Police. No Magistrate shall institute Criminal proceedings against an Officer of the above description for acts done in his capacity as Deputy Magistrate, or as Officer of Police, until he shall first have obtained the sanction of the Commissioner to the measure. In granting such sanction, the Commissioner will exercise the discretion allowed to him in the Orders above quoted, as to the person who is to conduct the proceedings, and the place at which they are to be held.

No. 1450.

Notification,—Judicial Department,—Simla, the 23rd April, 1851.

The Hon'ble the Lieutenant Governor, North Western Provinces, is pleased to re-publish the following Rules, promulgated by the Bengal Government, for the guidance of Officers who are authorized to indent for Government Stationery, and to direct the future observance of these Rules by all such Officers within these Provinces.

"The Hon'ble the Deputy Governor of Bengal has been pleased to sanction the following Rules for the guidance of the Superintendent of Stationery, and of all Public Officers who are authorized to indent upon the Government Stationery Office, and to direct that they be published for general information, as superseding all existing orders relating to that Department.

Rules for the Superintendent's Office.

I. The Superintendent of Stationery, under the general supervision of the Board of Revenue for the Lower Provinces, has the entire charge and management of the Stationery Office.

II. The Superintendent prepares, and submits through the Board to Government, the Annual Indents for Stationery required from England. All articles, which it may be necessary to procure in this country, are purchased by the Superintendent at his own discretion, and he is responsible for the quality of such articles.

III. To enable the Superintendent to make purchases, he is supplied from time to time, on application through the Board, with Treasury Orders. He submits monthly, for the Board's Audit, a Statement of his expenditure, together with the Bills of purchases.

IV. The Superintendent is responsible for the due care and preservation of the Stationery Stores. He is allowed a Storekeeper, and Deputy Storekeeper, or Packer from whom he may require Security, for his own protection, to the extent of Rupees 6,000 from the former, and Rupees 2,000 from the latter.

V. The Superintendent corresponds directly with all Officers who receive supplies from the Stationery Office; but Circular Letters, containing general instructions, are submitted for the Board's approval, previous to issue. All differences, which may arise between the Superintendent and Indenting Officers, are referred for the decision of the Board.

VI. The Indents, from Public Officers upon the Stationery Office, are to be drawn out by Indenting Officers, and supplied by the Superintendent, according to the scale approved by Government, and in conformity with the following Rules.

Rules for Public Officers indenting upon the Superintendent of Stationery.

VII. The following Officers are authorized to indent upon the Government Stationery Office.

A.

Accountants—To the Government, North Western Provinces.
Ditto, Punjaub Branch.
Ditto of Bengal.
Ditto, Military Department.
Ditto, Loan Office.
Compiler of Accounts of Queen's Troops.
Adjutants General—Of Her Majesty's Forces.
Assistant ditto at Calcutta.
Of the Army.
Assistant ditto at Calcutta.
Advocate—General, Calcutta.
Agents—To Governor General and Lieutenant Governor, N. W. P.
Political.
Government Book Agent.
Government Agent.
Salt Agents.
Opium ditto.
Sub-Deputy Opium ditto.
Gun Carriage ditto.
Powder ditto.
Clothing Army.
Apothecary—General, Fort William.
Architect—Civil, Fort William.
Assay Masters—Of Calcutta Mint.
Of Lahore Bullion Depôt.
Assignee—Official, Calcutta.
Auditors—Military Auditor General, Fort William.
Civil, Bengal.
Ditto, North Western Provinces.
Ditto, Punjaub Branch.

B.

Barrack Master—Fort William.
Boards—See Secretaries.

C.

Clerks—Of Vestry, St. Paul's Cathedral.
Ditto, St. John's Church.
Of Session, St. Andrew's ditto.
Of the Crown, Supreme Court, Calcutta.
Of the Papers, ditto.
Sworn, ditto.
To Chief and Puisne Judges, ditto.
Of Small Cause Court, ditto.
Collectors—Of Land Revenue.
Deputy ditto, in independent charge of Offices.*
Of Salt Revenue in the Punjaub.
Of Stamps, Calcutta.
Of Canal Tolls, ditto.
Of Customs.
Commission—Indian Law, Fort William.
Commissioners—For Superintendence of Public Works.
Of Revenue and Circuit.
Of Revenue.
Of Railways.
Of Abkaree.
In the Punjaub.
Of Customs, North Western Provinces.
Commissariat—Officers of all grades, in charge of distinct Offices, for their Offices, and for Hospitals.†
Commissaries—Of Ordnance.
Committees—Law Examination.
Pleader Examination.
General Prize, Calcutta.
Controllers—Of Salt Chokies.
Of Government Steam Vessels.
Cryer—Of Supreme Court, Calcutta.

D.

Director—Of Ganges Canals, Agra.

E.

Engineers—Chief.
Garrison at Fort William.
Ditto, Lahore.
Civil, Lahore.
Consulting Engineer to Government.
Superintendent Engineers.
Executive ditto.
Principal of the College of, at Roorkee.

* Deputy Collectors under Regulation IX. of 1833 will be supplied with Stationery by the Collectors to whom they are subordinate.

† For Hospital supplies there is a separate scale.

Engineers—Of Canals, North Western Provinces.
Of Great Trunk Road.
Of Agra and Bombay Road.

H.

Harbour Master—Calcutta.

I.

Inspectors—Of Prisons, North Western Provinces.
Of Ordnance at Loodianah.
General of Hospitals.
Interpreters—Of Supreme Court, Calcutta.
Small Cause Court, of ditto.

J.

Judges—Of Supreme Court, Calcutta.
Civil and Sessions, of Zillahs.
Additional.
Of Small Cause Court, Calcutta.
Judge Advocate—General.

K.

Keeper—Of Records, Supreme Court, Calcutta.
Of Naval Stores, ditto.

M.

Magistrates—Chief and Police, Calcutta.
Of Zillahs*.
Joint, ditto, in independent charge.
Cantonment Joint.
Managers—Conservancy Department, Calcutta.
Master—And Accountant General.
Supreme Court, Calcutta.
Master Attendant—Calcutta.
Mint Master—Calcutta.

P.

Pay Masters—Presidency.
Deputies, and of Pensions.
Post Masters—Of Orissa and Eastern Coast.
Protector—Of Emigrants, Calcutta.

Q.

Quarter Master General—Of H. M.'s Forces.
Of the Army.

R.

Receivers—Supreme Court, Calcutta.
Registers—Of Sudder Dewanny and Nizamut Adawlut, Calcutta and Agra.
Registrars—Equity, Ecclesiastical and Admiralty, Supreme Court, Calcutta.
Of Seamen, Calcutta.
Of Archdeaconry, Calcutta.

* Deputy Magistrates to be provided with Stationery by the Magistrate of the District to which they are attached.

Remembrancer—Of Legal Affairs.
Residents—At Native Courts.

S.

Sheriff—Of Calcutta.
Solicitor—To East India Company, Calcutta.
Survey—All Officers in independent charge of.
Secretaries—To Government of India, Bengal, and North Western Provinces, in all Departments.
Private to the Governor General.
Private to the Deputy Governor of Bengal.
Military to Governor General.
Ditto to President in Council.
Private to Lieut. Governor, North Western Provinces.
Military to Commander-in-Chief.
To Board of Administration of the Punjaub.
To Boards of Revenue, Lower and North Western Provinces.
To Military Board.
To Medical Board.
To Clothing Board.
To Civil Service Annuity Fund.
To Council of Education.
To College of Fort William.
To Medical College.
To Savings' Bank.
To Central Committee of Art and Industry.
Settlement Officers—In separate charge of their Offices.
Superintendents—Of Police, Lower Provinces.
Of Marine, Fort William.
Of Magnetic Observatory, Simla.
Of Sulkea Salt Golahs.
Of Salt Chokies.
Of Salt Office, Pindadun Khan.
Of Surveys.
Of Stud Depôts.
Of Operations for Suppression of Thuggee.
Of Deyrah Dhoon.
Of Handah and Hinda.
Of Jaloun.
Of Ajmere.
Of Mhairwarrah.
Of Hill States, Simla.
Of Damun-i-Koh, Bhaugulpore.
Of Cachar.
Of Darjeeling.
Of Gwalior Ceded Districts, &c.
Of Bhuttee Territory.
Of Stationery and Stamps, Calcutta.
Of Cossipore Foundry.
Of Nuddea Rivers.
Of Ganges Clearance Works.

Superintendents—Of Dhoon Canal.
Of Jumna Canals.
Of Saharunpore Canals.
Of Bareilly Embankments.
Of Mozufferghur Jheel Works.
Of Great Trunk Road.
Of Government Mule Train.
Of Lithographic Press.
Of Military Orphan Press, (for Government purposes.)
Of Mathematical Instrument Department.
Of General of Vaccine.
Of Iron Bridge Yard.
Of Hon'ble Company's Sail Loft.
Of Dockyard.
Of State Yachts.
Of Diamond Harbour Stations.
Of Cantonment Abkaree.
Of Botanical Gardens.

Surgeons—Marine.
Civil.
Civil Assistant.

T.

Translator—Oordoo, at Agra.

Treasurers—Sub-Treasurer, Fort William.
Treasury Office, Lahore.

Taxing Officer—Supreme Court, Calcutta.

Note.—Post Masters, Secretaries to Local Committees of Education, and all Public Officers not authorized to indent on the Government Stationery Office, may be supplied with Stationery by the Superintendent, at a charge of 5 per cent. above the prime cost of the articles supplied.

VIII. The Board of Revenue for the Lower Provinces are authorized to amend the above list at any time, and to admit or reject the application of any Officer not included in it to indent for Stationery upon the Government Stores.

Form of Indents and Directions for forwarding them.

IX. A scale has been drawn out (A) for regulating the supply of Stationery for all Public Offices; in accordance with which, Indents must be framed and submitted in the form prescribed (B); the Certificate at the foot of the latter being duly signed.

No other than printed forms of Indent, which can be obtained from Superintendent's Office, should be used; nor should a transmitting letter be sent with the Indent, except when explanation is required to be given, which cannot be written on the Indent.

X. The abovementioned scale is intended to apply to Public Offices of all Departments, except the Hospital Department, for which a separate scale (C) is sanctioned.

XI. In cases where the full quantity and superior description of Stationery allowed by the scale is not necessary, it will be the duty of the Indenting Officer to modify his Indent accordingly.

XII. Mofussil Officers indenting will be careful not to omit to fill up accurately the label on the form of Indent, designating the address to be attached to the cases.

When this is omitted, the responsibility of non-receipt, or delay in the arrival of the Stores, will rest with the Indenting Officer.

XIII. As a general rule, all indents will be annual—and all the columns in the form must be duly filled up. In emergent Indents, for which the same form is to be used, the 3rd, 5th and 6th columns only need be filled up. But emergent Indents should be resorted to as seldom as possible, and the explanation of their necessity be full. Where the explanation is not satisfactory, the Superintendent of Stationery is authorized to disallow the Indent.

3rd. Balance in hand.
5th. Quantity now indented for.
6th. Number of Assistants, &c.

XIV. The Annual Indents from all Offices above Allahabad, should be despatched so as to reach the Superintendent's Office on or before the 1st of May of the year preceding that for which the supply is required. From all other Offices they should be sent so as to reach him by the 1st of October.

XV. Indents are to be forwarded direct to the Superintendent by all Officers except those named below, who on account of the expensive and professional nature of the articles required by them, and because the scale is no guide to the proper supply, must submit theirs through their Official Superiors, who will examine, countersign, and forward them to the Stationery* Office; that is to say,

Officers of the Departments of Public Works, through the Superintending Engineer of the Division.

Officers attached to the Grand Trigonometrical Survey, through the Surveyor General.

Officers of the Revenue Survey, through the Deputy Surveyor General.

Officers of the Canal and Roorkee College Departments, through the Local Head of those Departments.

* Note.—Indents for Mathematical Instruments, not being common Compasses, and Parallel Rulers, are to be forwarded to the Superintendent of the Mathematical Instrument Department,

XVI. The Superintendents of the Government Lithographic and Military Orphan Presses will obtain paper from the Stationery Office for all forms required from them for the Public Service; Public Officers therefore indenting for forms, should not apply through the Stationery Office, nor should they forward to the Press paper for the forms which they may require from it.

XVII. Should the Superintendent of either Press consider that the documents indented for can be supplied upon paper of a smaller size, or less expensive description than that specified in the Indent, it will be his duty to submit a proposition to that effect to the Head, at the Presidency, of the Department to which the Indenting Officer belongs, who will decide upon the point in question.

XVIII. The Superintendents of these Presses, in making their Indents, are required to give timely notice to the Stationery Office, sending at the same time musters of what they require, signed by themselves. They are also to sign, as approved or otherwise, the musters sent from the Stationery Office for their approval, before the quantity indented for is supplied.

Instructions to be attended to in receiving supplies of Stationery.

XIX. The Superintendent of Stationery will advise the Indenting Officer when and how his supply of Stationery is despatched, noting particularly the address (which will be copied from the label on the Indent) to which it is consigned. Should there be any error in the address so notified, or should the despatch not reach its destination in due course, the Indenting Officer must take such steps as may be necessary for the correction of the error in the address, and for securing the receipt of the supply despatched; communicating at the same time with the Superintendent of Stationery, if he considers it necessary.

XX. On the arrival of the supply, the Indenting Officer should have the packages placed in a dry and properly protected place, prior to their being opened and counted out as soon as can conveniently be done.

XXI. The packages must be carefully opened and their contents counted out in the presence of the Head of the Indenting Office, who is required to watch the process, certifying the same at the foot of the receipt. The receipt must then be signed, and immediately transmitted to the Superintendent, with a detail of such articles as ought to be in the case, according to the list received from the Superintendent, but which are not found in it. The transmission of the receipt must not be delayed pending the reference to the Stationery Office regarding such short receipts, which will form the subject of a separate correspondence.

XXII. Officers who have Covenanted Assistants may employ those Assistants to supervise the unpacking and counting of the supply; and in the Government Secretariats, Boards and Sudder Courts, this duty may be performed by the Registers. In all other Offices, in case of the absence on duty of the Head of the Office, or other sufficient cause, the packages may be opened by the Head Clerk or Principal Uncovenanted Assistant. In all these cases, the certificate must be signed by the person who opens the packages, and countersigned by the Head of the Office.

Adjustment of short Receipts.

XXIII. The liabilities for short receipts will be adjusted as follows:

The Superintendent of Stationery will submit to the Board periodically a Statement of short receipts classed under three heads A, B and C.

The value of trifling deficiencies contingent upon excusable accident will be included in A, and passed by the Board to be written off to profit and loss in the accounts of the Superintendent.

The liability for short receipts, where the supplies are certified to have been opened and duly examined in the presence of the Head of the Office, will come under head B, and rest with the Superintendent of Stationery and his employés.

For the value of short receipts, where the provisions of these Rules shall not have been strictly observed, which will be shown under head C, the Receiving Officer will be held responsible.

XXIV. The above statements with the Board's orders on them, will then be sent to the Accountant's Office for adjustment.

In cases where the Stationery Office is held responsible, the amount will stand at the personal debit of the Superintendent, until recovered by him from the party responsible to him.

When the Indenting Officer is held liable, as under head C, an extract from the statement will be sent to the Civil Auditors, Military Auditor General, or Accountants' Offices, as the case may be, with a view to the necessary steps being taken for the recovery of the amount, under the general rules in force in those Offices, for the recovery of other dues to Government.

XXV. Whenever the Receiving Officer may have reason to consider that the packing, or transport of the cases has been improperly or carelessly performed, he is required to intimate the same, whether actual injury has resulted or not, to the Superintendent of Stationery, mentioning the reasons for his opinion, with suggestions for future prevention. The Superintendent will take steps to obviate a recurrence of the neglect pointed out.

XXVI. On receiving an Indent from an Office at the Presidency, the Superintendent will fix a time for the delivery of the Stationery. At the time fixed, an Assistant from the Indenting Office will attend at the Stationery Office to take charge

of the supplies, and see them put into the Stationery Cart. The Keys of the Cart will then be put in a sealed envelope and sent to the address of the Indenting Officer. Objections must be made before the supplies leave the Office, and bottles, baskets, &c., belonging to the Stationery Office, must be returned.

Complaints.

XXVII. Complaints as to the quality of supplies received, should be accompanied by an average sample of the article complained of, duly attested by the complaining Officer, as being part of the supply furnished by the Stationery Office on such a date, and the marks on the articles or covering of the packages should be carefully ascertained and reported. To prevent fraudulent substitution of other than the Government supplies, these complaints can only be admitted when preferred within seven days of the opening of the cases. Complaints of good articles being damaged in transit should be accompanied by the Officer's opinion, and the grounds of it as to whether the damage was caused by bad soldering, careless packing, or from maltreatment of the package in the Post Office, Steamer, or other mode of conveyance.

Contingent Bills.

XXVIII. In consequence of the arrangements now made for the timely Indent for, and supply of Stationery from the Government Office to Public Offices in all parts of the country, the necessity for purchasing supplies on the spot will rarely occur. Such purchases may occasionally be indispensable, but will only be admitted where the case is shown to be one of great emergency, and the declaration upon honor at the foot of the bill is duly signed. Public Officers are desired to borrow from other Offices pending the arrival of their own supplies, rather than resort to local purchase, giving early advice to the Superintendent.

XXIX. The fixed sum hitherto allowed for Country Paper and other articles of Stationery will cease in all Offices from the 1st May next. The actual expenditure on account of such articles as are not supplied on Indent* by the Superintendent of Stationery, will be included monthly in a Contingent Bill, (form of which will be supplied,) and forwarded to the Superintendent of Stationery, whose countersignature will be sufficient authority for the expenditure being charged in the Cash Account of the Office transmitting it. The Accountants to the Governments of Bengal and the North Western Provinces, being furnished by the Superintendent with a Statement passed by the Board of Revenue, Lower Provinces, of such bills in aggregate, will be enabled to check and pass the several charges as they come before them, in the Cash Accounts of the Treasuries from which they are paid. The Contingent Stationery Bill of any Office which has no Treasury of its own will be payable, when countersigned by the Superintendent, at the Treasury from which the salaries of the Office are disbursed. The above rule is intended to apply only to Officers located at Sudder Stations, and not to Moonsiffs, Darogahs of Police, of Salt Chokies, and similar Mofussil Officers.†

* NOTE.—Serampore Paper can always be supplied, and should be indented for in the Annual Indents.

† It applies to *all* Joint Magistrates as well as to Sub-Deputy Opium Agents.

XXX. In cases where the Superintendent of Stationery finds that he can supply any article of Stationery at a lower rate‡ than that charged in the Contingent Bill of any Office, he will intimate the same to the Head of that Office, who will then abstain from making local purchases, and indent upon the Stationery Office, for the articles indicated by the Superintendent.

‡ The Superintendent can supply Country Paper, of good quality, at 2 rupees 8 annas per Ream.

XXXI. In the Stationery Bill, above described, will be included all charges for Vinegar, Glue, Cloth, Oil, Paste, Country Ink, Ditto Pens, Needles, Twine,

Binding Records, all charges in short coming under the designation of Stationery Contingencies.

Prevention of Abuses.

XXXII. Care must be taken by the Head of every Office to prevent the use of the Government Stationery in any other than the Public Service. The stores of Stationery should be placed in charge (under lock and key) of a responsible Writer or Assistant in the Office, whose name should be communicated to the Superintendent of Stationery, and be attached, in addition to that of the Indenting Officer, to all Indents. A book, (which is to be sent, when required for Inspection, to the Superintendent) is to be kept by him of all issues of Stationery, and such issues are to be acknowledged in it by the signature (in initials) of the Officer or Assistant who takes the articles. Any abuse apparent to the Assistant in charge of the Stationery is to be brought to the immediate notice of the Head of the Office.

XXXIII. All cases of fraud or wilful waste are to be reported to the Superintendent, who, with the sanction of the Board, will direct a criminal prosecution of the offender, or such other measure as may be deemed proper. Paper supplied from the Government Office being now stamped with distinguishing marks, the detection of such fraud or waste is much facilitated, and all public Officers are invited to co-operate in checking abuses, which entail in the aggregate a serious loss upon Government.

XXXIV. Packing Cases received from the Stationery Office are to be sold, and the proceeds credited to the Superintendent of Stationery in the Cash Accounts of the Office, the amount so credited being communicated to the Superintendent at the close of the year of account.

J. P. GRANT,
Secy. to Govt. of Bengal.

No. 138 A.

Notification,—Separate Revenue Department,—the 14th May, 1851.

In modification of Rule II. of the Resolution of February 10th 1844, for giving effect to the provisions of Act XIV. 1843, and under the power conferred by Section III. of that Act, the Hon'ble the Lieutenant Governor is pleased to direct that the North Western Frontier Line shall be extended across the River Soane till it meet the Rewah Frontier. The whole of the District of Mirzapore, south of the River Soane is placed under Custom House jurisdiction.

No. 158 A.

Notification,—Judicial Department,—the 20th May, 1851.

The Lieutenant Governor North Western Provinces, is pleased to publish for general information, the following Circular Instructions issued by order of His Excellency the Commander-in-Chief to all Officers Commanding Detachments of Recruits, proceeding from Calcutta to the Upper Provinces.

CIRCULAR F.

ADJUTANT GENERAL'S OFFICE,
HEAD QUARTERS, SIMLA, *the 24th April,* 1851.

THE OFFICERS COMMANDING DETACHMENTS OF RECRUITS,

Proceeding from Calcutta to the Upper Provinces.

In consequence of irregularities that have recently occurred on the march of Detachments of Her Majesty's Service, I have it in command to send for your guid-

ance in your progress to the North Western Provinces, the following instructions, to which the Commander-in-Chief in India directs your particular attention.

2.—On receiving from the Quarter Master General's Department the route by which the Detachment is to move, you will, without delay, communicate to the Civil Authorities of the Districts in your route the date on which the Detachment will arrive at each of the stages on the march, noticing the places at which it will halt for one or more days.

3.—Should any difficulties, or subsequent orders cause a change in the date fixed for the arrival of the Detachment at any of the stages, you will take care to give early notice to the Civil Authori ies that the necessary instructions may be given respecting the provision of supplies, &c. at the proper time.

4.—You will at the same time transmit Indent for supplies for the party under your Command, being careful not to include more than is likely to be consumed by them, more particularly in the perishable articles of Butter, Milk and Eggs, and in the event of finding your first Indent larger than the expenditure of your Detachment, you will have it amended accordingly, as it is His Excellency's desire that the march of Troops should not impose on the Government greater expense than is necessary.

5.—You must not include in your Indent Sago, Soojee, Tea, Sugar Candy, &c. and other articles not in general use in the Country Villages. You should be careful to order your Bazaar people to supply themselves with such articles at the larger Cities, or Stations, through which you may pass, as the Collectors are directed not to furnish them.

6.—In the Province of Bengal, you will find your Camp followers subsist on Rice generally, and to the North West of Benares on Otta, and you should Indent accordingly, not exceeding the rate of ¾ of a seer for each native Camp follower, including Officers' servants.

7.—Your Kotwal must be prevented from exacting any money, as nuzzur,—or present, as dustooree,—to insure a favorable report, by him, of the provisions supplied, such being a too common practice. If any cause of complaint exists, it must be reported immediately to the Collector of the District as the proper Authority.

8.—As Bhoosa and other dry forage are procurable where Burdhast-khanas, or supply-houses have been erected, Sepoys should not be employed to compel the forcible delivery of such or any other articles for the use of the Commissariat Gomashta, who will be furnished with a *nerrick* for the amount of such articles as he purchases.

9.—Where a regular Bazaar Establishment accompanies a Detachment, the supplies will be furnished from the Burdhast-khana wholesale; but where no Bazaar accompanies a Detachment, they will be supplied and realized at the Burdhast-khana by the Contractors, who are not to be compelled to quit their shops.

10.—You will bear in mind, that in the different Districts you march through the same prices will not prevail. In any instance where you think imposition has been attempted, or an inferior article of supply provided, you will bring it to the notice of the Collector.

11.—In the Province of Bengal, relief of carriage can only be obtained at Burdwan and Sheerghotty.

12.—Throughout the Government of the North Western Provinces, viz. from the Kurrumnassa to Kurnal, you will indent on the Collectors of Benares, Allahabad, Allyghur, Dehlie or Meerut, for the carriage you require, which you must have regularly relieved at each of the abovenamed Stations, unless the Hackery-men themselves voluntarily consent to proceed further; you will ascertain from the Officer providing

the carriage, how far the men are willing to proceed, and give intimation accordingly to prevent any unnecessary hardship or delay.

13.—All carriage seized for the use of your Detachment must, in conformity with the Orders of Government, receive half hire paid in advance, and the remainder, with back hire at half the usual rate of daily pay, on discharge. It will be necessary for you to give due notice to the Collector that he may have the carriage ready on the day of your arrival.

14.—The rate of hire of carriage is as follows:

Hackeries 4 Bullocks to carry 20 Maunds 1 Rupee,
Ditto 3 ditto 15 ditto 12 Annas,
Ditto 2 ditto 10 ditto 8 As., for

each march, with half hire for each halt, and half hire for returning to the places from which they were taken; any great weight in excess of the above will be charged for, separately, at the rate of 9 pie per maund daily.

15.—Each Non-Commissioned Officer and Soldier is entitled to carriage for 20 seers, or half of a maund, and each Regimental Serjeant Major, or Quarter Master Serjeant, to two maunds each; and four maunds for each Troop or Company are allowed for the conveyance of cooking utensils, to be provided by Government.

16.—Married Soldiers requiring additional carriage beyond 20 seers will make their own arrangements. I annex for your information the rate and form of Indent for carriage to be adopted.

INDENT on ———— for Carriage required for the use of a Detachment proceeding to ————

	Weight of Baggage allowed to each rank.		Total.	Carriage of either description				
				If Bullocks.	If Camels.	*or Hackeries of* 2 Bullocks.	3 Bullocks.	4 Bullocks.
	Mds.	Srs.	Mds.					
2 Lieutenant-Colonels,	30	0	60	24	12	8	4	3
2 Majors,	20	0	40	16	8	5	3	2
10 Captains, 1 Pay Master and 1 Surgeon,	10	0	120	48	24	15	8	6
34 Subalterns (including Adjutant, Quarter Master and 2 Assistant Surgeons,)	5	0	170	68	34	21	11	0
Officers' Mess, 4 Maunds for each Officer, Staff Non-Commissioned Officers and Privates as per paragraph 15,								

17.—The Cattle that accompany your Detachment must be prevented from injuring the cultivation, or trees.

18.—His Excellency reminds you that you are answerable for the conduct of every one under your Command, and desires your most particular attention to the protection of the Inhabitants of the Provinces through which you are moving. You must bear in mind that they are not amenable to Martial law, but to the properly

constituted Authorities of the District, to whom you must apply in the event of any cause of complaint, and on no occasion attempt to take the law into your own hands.

19.—You should be careful to prevent your men strolling into the neighboring villages, on any account, as quarrels frequently arise from their being unacquainted with the customs, habits, and language of the Inhabitants; and the Commander-in-Chief will hold you responsible that your journey shall be completed with as little injury to them as possible.—With this view, you will order an immediate investigation into complaints preferred against any of the Officers, or Soldiers, and make over, on the requisition of the Magistrate, any Camp-follower of your Detachment.

20.—It will also be necessary, that you ascertain each evening that all accounts with the Contractors, or Bazaar people, have been adjusted.

21.—All unnecessary halts are strictly forbidden, and you will be careful to give due notice to the proper authority, so as to avoid detention at places where your carriage is to be relieved. It is essential that the Recruit should be handed over to his Corps as soon as possible, and just, that the charge for extra carriage against the married Soldiers should not be increased by any avoidable delay.—You will account for every halt, beyond the usual halts on Sundays, to the General Officer of the Division through which you may be passing, who will make a report to me, if he thinks that you have halted without sufficient cause, for the information of the Commander-in-Chief.

(Signed) ARMINE S. H. MOUNTAIN, *Colonel,*
Adjutant General H. M. Forces in India.

The following Resolution passed by the Hon'ble the President in Council is published for general information.

No. 1472.

Fort William, Financial Department,—the 9th May, 1851.

Read a letter No. 514, dated the 12th March last, from the Accountant to the Government of Bengal, representing that there appears to be no law which authorizes the receipt at Public Treasuries of short weight Company's Rupees, which have lost more than 2 per cent. in weight by wear, when tendered by Individuals in satisfaction of Government demands; and requesting that some law or rule may be passed on the subject, and that he may be instructed to direct the Mint Master to furnish each Treasury with a set of minimum standard weights applicable to the Company's Rupees coinage for the guidance of the Officer in charge, and for protection of the Government against loss.

Read again the following Papers:
Regulation LXI. of 1795.
Act XVII. of 1835.
Proclamation dated 2nd September, 1835.
Advertisement dated 26th April, 1837.
Resolution dated 18th January, 1843.

RESOLUTION.

The President in Council is of opinion that no Legislative Act is necessary for the settlement of the question thus brought under consideration, because short weight Rupees are only meant to be receivable by Government, and not to be made a legal tender with the public, and for this purpose a simple rule of practice will be sufficient. He is accordingly pleased to resolve that short weight Company's Rupees that have lost more than 2 per cent. from ordinary wear, shall be received as bullion,

by weight, in all public Treasuries in satisfaction of Government demands *without* any charge for Seignorage.

ORDER.

Ordered, that a copy of the foregoing Resolution be communicated to the Accountant to the Government of Bengal, with instructions to issue a Circular to all Officers in charge of Public Treasuries, authorizing them to receive short weight Company's Rupees in accordance with the above Resolution.

Ordered also, that a copy of this Resolution be forwarded to the Government of Bengal, the North Western Provinces, Madras and Bombay, for information, and the issue of such orders as may be requisite.

(A True Copy),

(Signed) J. DORIN,

Secy. to the Govt. of India.

No. 2508 OF 1851.

Notification,—Judicial Department,—Simla, the 12th July, 1851.

The Hon'ble the Lieutenant Governor, North Western Provinces, is pleased to direct that the following Code of Bye Laws, which has been drawn up with the approval of Government for the Settlement at Nainee Tal, be published for general information.

Bye Laws for the Settlement of Nainee Tal, passed under Section VII., Act XXVI. of 1850.

I. The provisions of Act XXVI. 1850, are put in force in the Settlement of Nainee Tal, for the maintenance of the Police, and for all the purposes specified in Section II. of the Act.

II. The limits of the Nainee Tal Settlement are: the *watershed line* connecting the summits of Shere-ka-danda, Cheenur, and Deopata, on the North and North-West straight lines connecting pillars I., II., III., IV., and V., between Deopata and the Gewalle landslip, on the South and South-West, (and on the South-East, or open side of the valley,) a straight line, connecting the pillar on Longoone peak, and the pillar on the point where the Almorah road crosses the ridge of the spur from Shere-ka-danda. Boundary pillars will be erected at convenient points on this line, numbered, and shown in the map of the Settlement. All persons residing within these limits, or occupying an Estate, any part of which falls within these limits, will be subject to all the liabilities and rules imposed under the Act.

III. The number of Commissioners for carrying out the provisions of the Act, shall not exceed five, of whom one will be the Senior Assistant to the Commissioner of Kumaon. The Commissioners shall choose their own Chairman, who in cases of votes being equally balanced, will have a casting vote. Three Commissioners may on emergency constitute a quorum, but such quorum shall not have the power to order any disbursement or expenditure (not included in the annual estimates) exceeding fifty Rupees.

IV. The Commissioners shall entertain such servants and labourers, as may be required, for executing works and maintaining the Police and Conservancy of the Settlement, and a sufficient sum, being not less than 500 Rupees per annum, shall be placed at the disposal of the Senior Assistant Commissioner, for the maintenance of a body of Police.

V. A meeting of householders shall be held on the last Saturday of May every year, for the purpose of preparing a list of persons to be recommended as Commissioners conjointly with the Senior Assistant for the ensuing twelve months. The Commissioners then being, shall at that meeting submit their account of receipts and expenditure for the past year, together with a plan of expenditure for the ensuing year. It will be the duty of the Senior Assistant as Official Commissioner to protect the public interests which are not directly represented at the Annual General Meeting. In this capacity he will act under the direction, and subject to the orders of the Commissioner of Kumaon.

VI. Any registered house or site holder shall be entitled to vote by written proxy. Proxies may be general or special, but no person shall hold more than three.

VII. Each proprietor paying assessment for one site shall have one vote; for four sites two votes; for eight sites three votes; and the maximum shall be four votes. The houses at the Settlement shall be taxed at a rate to be fixed at the aforementioned general meeting, on an appraisement determined by the Commissioners, subject to appeal before the said general meeting.

VIII. Proprietary sites unbuilt on, and all land attached to estates beyond seven acres, shall be taxed at the rate of 1-8 per acre in addition to the Government land tax.

IX. The houses in the Bazaar shall be taxed at half an anna per square yard, according to the Schedule at present existing, all shops and other buildings built hereafter on public ground shall be similarly assessed, but if erected by private speculators on their own sites, the rent of such shops or buildings will be taken into consideration in fixing the appraisement of the property, and another rate on the property will be levied.

X. The land revenue of the Settlement is placed by the Government at the disposal of the Commissioners, similarly with the assessed taxes.

XI. The taxes shall be collected by the Magistrate, with the aid of Act II. of 1839, in case of arrears, and no house or site holder shall be allowed to vote at any meeting whilst in arrears, and the Magistrate shall be similarly empowered to levy a penalty at the rate of five Rupees per mensem, on all arrears on each estate due more than one month after demand.

XII. The public quarries of the Settlement are at the disposal of the Magistrate, who will, on application from parties, point out the spots where the quarrying may be carried on.

XIII. A duplicate copy of the Register will be deposited with the Commissioners; all transfers of property, sales or mortgages shall be duly entered in such Register, and a copy of any entry in such Register shall be supplied on payment of one Rupee.

XIV. No person shall be allowed to vote at a meeting, whose property shall not have been duly registered, and any proprietor of house or site, failing to register the deed of transfer sale or mortgage of such house or site within six months after the transaction, shall be liable to a fine of ten Rupees a year in the first instance, and to a fine of ten Rupees yearly during the continuance of such neglect.

XV. No part of the Municipal funds shall be expended on objects without the limits of Nainee Tal, unless sanction to such expenditure shall have been obtained by a majority of votes at the aforementioned meeting of landholders.

XVI. Persons desirous of obtaining unallotted sites will apply to the Senior Assistant Commissioner, who giving not less than one fortnight notice by proclamation, will put up the piece of ground applied for to public auction, at such upset price as he shall think fair, unless he should see reason to the contrary, in which case he

will communicate to the Chairman of the Commissioners his refusal to comply with the application.

XVII. Every proprietor or landholder, who shall be absent from Nainee Tal for a longer period than one month, shall have a recognized and Registered Agent, who shall be responsible for maintaining in their integrity his employer's boundaries, and to whom the Magistrate may refer, should any dispute or case arise connected with the said proprietor, such Agent may, on reference being made to him by the Magistrate, apply for a period of one month's delay, to enable him to communicate with his employer. The Magistrate will in such case accord the delay applied for, and at the expiration of period, will proceed to dispose of the case, if not defended, by default.

XVIII. The following are defined to be nuisances in Nainee Tal, and are accordingly prohibited.

1. Furious riding on public roads.
2. The leading of horses and dogs about for exercise on public roads, except between the hours of 9 A. M. and 4 P. M.
3. The driving of loose cattle on public roads, except in travelling from place to place.
4. The throwing of stones, earth and other rubbish on the public roads, or laying building materials thereon, except by permission of the Commissioners.
5. Refusal to permit the Commissioners to trim trees over-hanging public roads, or to cut down low jungle within ten yards of public roads on both sides; such refusal to be treated as continuing a nuisance.
6. Erecting any building for necessary purposes, which shall be deemed on investigation by the Commissioners to be objectionable.
7. Keeping a smith's forge, slaughter house or piggery, where it shall appear on investigation by the Commissioners to be objectionable.
8. Begging on, or near public roads, or exposing sores thereon to excite charity.
9. Defiling the public roads, or springs, or obstructing the approaches to springs.
10. Quarrying stones, or cutting timber, or damaging trees in the public grounds.
11. Encroachments on public roads by the temporary exposure of articles for sale, or by permanent buildings.

XIX. Breaches of Rule XVIII. shall be punishable, on conviction before the Magistrate or his Assistant, at his discretion, by fines not exceeding fifty Rupees, and continuing nuisances, by fine not exceeding five Rupees per every day, during which such nuisance is continued. An appeal from such decisions will lie to the Commissioner of Kumaon.

(Signed) W. RICHARDS,
Chairman of Municipal Commissioners, Nainee Tal.

Nainee Tal, the 2nd June, 1851.

The following gentlemen are duly appointed Commissioners at Nainee Tal, under Act XXVI. of 1850, for the year 1851-52.

LIEUT.-GENERAL *Sir* W. RICHARDS, K. C. B. | J. C. WILSON, ESQ.
CAPTAIN H. RAMSAY. | MAJOR A. TUCKER, C. B.
CAPTAIN W. JONES.

No. 2544 of 1851.

Notification,—Judicial Department,— Simla, the 18th July, 1851.

The following alterations have been made with the approval of Government in the rules for the Settlement of Mussooree, published in the Agra Gazette of the 7th January, 1851.

Rule I. The annual meeting of Householders will in future take place on the first Saturday of May in each year, instead of the last Saturday of that month provided under this rule as before.

Rule IX. The special meeting for the purpose of assessing houses and shops, shall in future be held on the second Saturday of May, in each year, instead of the month of June, as before provided under this rule.

The Lieutenant Governor is pleased to appoint the following gentlemen Commissioners for the Settlement of Mussoorec, under Act XXVI. of 1850, for the year 1851-52, in addition to the ex-Officio Member.

Major W. Freeth.	Captain S. R. Wallace.
Major W. M. Tritton.	Mr. C. Grant,. C. S.
Captain W. J. Rind.	Mr. H. G. Scott.

Mr. J. Mackinnon.

No. 1870.

Notification, Revenue Department,—Simla, the 27th May, 1851.

1st. The Government are desirous to make the Cattle-farm at Hissar more extensively available than hitherto, for the improvement of the breed of Cattle throughout the country.

2nd. For this purpose they are prepared to supply gratuitously bulls of the best breed, to all public servants who will undertake to provide that the animals are properly cared for, and applied to the benefit of the public.

3rd. Collectors of Districts are authorized to indent on the Superintendent of the Government Cattle-farm at Hissar, for the number of bulls which they think can be advantageously employed in the District.

4th. The Superintendent will receive and register these applications, and comply with them so far as his means admit, it being in his option to give the preference to those applications which seem to him most likely to be attended with benefit to the public, if there be more applications than he can at once supply.

5th. All bulls furnished from the Stud in reply to these applications, will be accompanied with a Roll, stating the breed of the animal, and describing it sufficiently to ensure its identity.

6th. The Collector indenting for the bulls in concert with the Superintendent of the Stud, will provide for the safe transport of the animals and their feed on the road. The charges on this account will be inserted in their Contingent Bills, and passed by the Civil Auditor, on the countersignature of the Commissioners, who will check any extravagant or undue rate of expenditure.

7th. It is not expected that the bulls, after their arrival in the District, will be any further charge to the Government. They may be kept at the Sudder Station, or placed at the Tehsildarrees, or lent to enterprising and intelligent residents in the District, as in each case may be considered best: the keep being defrayed by those who have the benefit of the animal's services. It is recommended that a fee, moderate but not too small, and varying in each instance according to the demand, be fixed for the services of the animal, so as to reserve him for those most likely to benefit by the use of him, and best able to bestow care on the stock that may be raised from him.

8th. It is hoped that the Collectors of Districts will perceive the advantages to the agriculture of the country, which are likely to arise from this measure, and that they will exert themselves to secure for the people of their own District the benefit thus placed within their reach. It is probable that difficulty will be found at first in complying with the applications that may be made. Allowance must of course be made for this, and surprise must not be felt if the Superintendent finds himself unable for some time to meet the demands upon him.

FINANCIAL DEPARTMENT.

No. 19.

Fort William, dated the 8th August, 1851.

Under instructions from the Hon'ble the Court of Directors conveyed in a Despatch in the Financial Department, No. 34 of 1851, dated 18th June, the President in Council is pleased to direct the publication of the following additional Clause to Section XI. of the Civil Absentee Regulations of the 17th May, 1843.

" Civil Servants or Military Servants holding Civil appointments, absent from " their Stations under Medical Certificate, cannot be admitted to leave under this Rule, " in continuation of their sick leave, and if, while absent under this Rule, they be " granted extended leave under Medical Certificate, they shall be considered liable " to the Rules applicable to leave of absence on Medical Certificate, for the whole " period of their absence."

(Signed) J. DORIN,
Secy. to the Govt. of India.

No. 3484.

Notification, Judicial Department,—Simla, the 27th September, 1851.

In paragraph 10th of the Notification No. 1695, dated 28th April, 1848, respecting arrangements for the supply of provisions and protection of travellers, Collectors and Magistrates were directed, on receiving a complaint against an Officer of the Army or Detachment of Troops, to send information of it to the General Officer Commanding the Division towards which the party complained against was moving. It has been found necessary to amend this paragraph as follows.

Paragraph 10th. A Collector or Magistrate on receiving a well supported complaint against an Officer of the Army or Detachment of Troops, should immediately send information of it to the *nearest* General Officer Commanding a Division towards which the party complained against is moving. He should at the same time furnish the Commissioner of the Division with a copy of his representation.

No. 1499.

No. 449 of 1851.

Fort William, the 22nd August, 1851.

In continuation of G. O. P. C. No. 498, of the 9th October, 1850, and in conformity with instructions contained in paragraphs 8th to 10th of a Military Despatch, No. 48, dated 25th April 1851, from the Hon'ble the Court of Directors, the Hon'ble the President in Council is pleased to lay down the following Rules.

2nd. Moonshees attached to Brigades, Battalions and Regiments stationed at, or within 200 miles from Fort William, Benares, Agra or Dehlie, shall on or before

the last day of February, 1852, appear before the Authorities of the nearest College for the purpose of undergoing an examination according to the five tests prescribed by the above G. O., and also as to their fitness for instructors of Officers both as to manner, and as to method of teaching. Moonshees failing to appear, or to obtain a Certificate of having passed the examination, will cease to be borne on the rolls from the 1st March following.

3rd. Moonshees of Brigades, Battalions and Regiments quartered at a distance of more than 200 miles from the above Colleges must, so soon as their Corps shall, subsequently to the 1st March 1852, pass within, or be stationed within that distance from them, appear before the College Authorities for examination, and failing to appear, or to obtain the required Certificate, they will be struck off the rolls of their respective Corps from the last day of the month in which they should appear for examination, or, having appeared, may fail to obtain a Certificate.

(Signed) J. S. BANKS,
Offg. Secy. to the Govt. of India,
Military Department.

No. 2590.

Notification, Financial Department,—Simla, the 10th October, 1851.

The Lieutenant Governor is pleased to re-publish for general information, the following orders which prohibit the Civil Servants of the Government from taking part in the management or direction of any Joint Stock Company.

Fort William, Financial Department, the 24th July, 1839.

The Hon'ble the President in Council directs that paragraph 4 of the letter dated the 15th February, 1837, No. 4, and Extract from paragraph 8 of the letter dated the 15th April, 1839, No. 8, from the Hon'ble the Court of Directors in the Financial Department be published for general information.

Extract from a letter from the Hon'ble the Court of Directors, dated the 15th February, 1837, *No.* 4.

Paragraph 4. We approve of your proceeding so far as it applies to the Members of the Civil and Military Services becoming shareholders in the Society. But we cannot allow the occupation of a private institution to interfere with the claims of the public service to the undivided attention of our servants, and we must consequently positively interdict their taking part in the management of the Society.

Extract of Paragraph 8, *of a letter from the Hon'ble the Court of Directors, dated the 5th April,* 1839, *No.* 8.

We therefore can only here repeat that while we entertain no objection to our Civil and Military Servants becoming shareholders in the Universal Assurance Company or any similar Society, we positively interdict their taking any part in the management.

(Signed) H. T. PRINSEP,
Secy. to the Govt. of India.

No. 3833.

Judicial and Revenue Department,—Simla, the 30th October, 1851.

The Lieutenant Governor is pleased to publish, for general information, the following Rules for the administration of the Bhuttee Territory, under Act VI. of 1846, as revised and passed by Government on 27th February, 1848.

I. The local administration in all departments will be vested in the Commissioner of the Division as Agent under the Act, in the Superintendent, in Assistants posted at Sirsa and Fazilka or elsewhere, and in the Sudder Ameen at Sirsa.

II. In the Judicial Civil Department, the Assistant at Fazilka will have the powers of a Moonsiff and Sudder Ameen in the district committed to him, consisting of pergunnah Wuttoo, and part of the neighbouring pergunnah of Mullout; and the Sudder Ameen stationed at Sirsa will exercise the same powers in the remainder of the Territory. The Superintendent will exercise the powers of a Judge. From the orders of the Moonsiffs and Sudder Ameens, one regular appeal will lie to the Superintendent, and from the orders of the Superintendent in original suits, one regular appeal will lie to the Agent. The orders of the Superintendent in appeal cases will be final, except when a special appeal may be admitted against such orders by the Agent. In the same manner, the decisions of the Agent in appealed cases will be final, except when a special appeal may be admitted against them by the Court of Sudder Dewanny Adawlut. The admission or rejection of applications for special appeals under this clause will be regulated by the spirit of the rules in force upon that point in the Regulation Provinces.

III. In the Judicial Criminal Department, the Assistants will have the powers of Joint Magistrates, the Superintendent of Magistrate, and the Commissioner of Sessions Judge under the Nizamut Adawlut. From all Judicial sentences passed by the Assistants within the competency of Assistants not invested with special powers in the Regulation Provinces, as well as from all Miscellaneous orders, an appeal will lie to the Superintendent. From all Judicial sentences passed by the above Officers beyond the competency of simple Assistants, an appeal will lie to the Agent. From all Judicial sentences or Miscellaneous orders passed by the Superintendent in original cases, an appeal will lie to the Agent. The Superintendent and the Agent will also have the power of calling for any proceedings of any of their subordinates, though not regularly appealed, and of revising them when necessary.

IV. In the Revenue Department, the Assistants will have the powers of Deputy Collector, the Superintendent of Collector; and the Commissioner will exercise his ordinary functions under the Sudder Board of Revenue.

V. In the Customs Department, the Superintendent will exercise the powers of a Deputy Collector, and the Assistants will be competent to perform, under his orders, any duties usually devolving upon him.

VI. These Officers will ordinarily exercise their functions in the same manner and in the spirit of the same rules as in the Regulation Provinces, except that in the Criminal Department, the Commissioner shall be competent to dispose of the cases committed to him on a mere inspection of the papers and without holding a second trial with all the parties before him, as is usually done. Any further evidence that may be required after commitment, either by the parties accused or by the Commissioner, may be taken before the Superintendent or his Assistants, and forwarded for the Commissioner's orders. The Nizamut Adawlut will also dispose of cases referred to them by the Commissioner in the same way as if he had held a second trial in ordinary course.

No. 2774.

Notification, Financial Department,—Simla, the 5th November, 1851.

The following Extract paragraph 19th, from a Despatch from the Hon'ble the Court of Directors addressed to the Government of India in the Financial Department No. 27 of 1850, dated the 10th July, is published for general information.

"We consider it so injurious to the service, that men who have been dismissed "for misconduct from one Department should be considered eligible for re-employ- "ment in any other Department, that we must entirely discountenance such a "practice. It is a wholesome check upon negligence and dishonesty, for the servants "of Government clearly to understand that probity and diligence are the only means "of retaining employment under Government."

No. 4158.

Notification, Revenue Department,—Lieut.-Governor's Camp, the 28th November, 1851.

The Lieutenant Governor is pleased to issue for the guidance of all Officers concerned, the following Circular Order regarding the declaration of proprietary right in farmed Estates.

1. It has been brought to the notice of the Government, that in most, if not every district of these Provinces, cases have occurred in which Mehals have been settled with farmers, in consequence of the absence of any clear proprietary title. Such Mehals are frequently called *Khannah Khalee,* and are considered the property of the Government.

2. At the formation of the last Settlement, it was a practice generally observed to leave parties claiming the proprietary right to make good their claims in the Civil Courts. But this course has not generally been attended with a satisfactory result. From the very nature of the case, proof of proprietary right was defective, and few cared to institute a suit, in which the *onus probandi* would be thrown upon them. In most cases no suit was instituted. In some cases, collusive suits between claimants and the farmers have led to decisions, which declared proprietary title often on very insufficient grounds, and in favour of a party who had no legal right to it. The period of twelve years has now very generally elapsed since the conclusion of the Settlement, and the right to sue being barred by the law of limitation, the proprietary right may be said absolutely to vest in the Government.

3. But it is not the policy of the Government to retain in its own hands the proprietorship of land. It is preferable where the indications of proprietary right are weak, to recognize them as sufficient, and where they are absolutely non-existent, to bestow the right on the person best qualified to make a good use of it.

4. It is now therefore determined to remedy the existing defect of the Settlement, and to adjudge or bestow a proprietary title in all the Farmed Estates to which this Circular Order refers. For this purpose, the Collectors will put in force the powers with which they are vested under Regulation VII. 1822, and are further authorized, where they find that there is no proof of any right, to bestow it on the person whom they consider best qualified to receive it. It remains to point out the principles on which the Collectors should act, and the course of proceeding which they should adopt.

5. In Paragraphs 59—65, of Mr. Secretary Thornton's Note of August 24th, 1844, circulated by the Sudder Dewanny Adawlut on January 31st, 1845, (*vide* Appendix XIX. Directions for Settlement Officers, new Edition of 1850), much light has been thrown on the circumstances which constitute proof of proprietary possession. But in most of the cases here referred to, proof of this kind will be very weak, perhaps even all right of any kind may have been in abeyance for a long period of years.

6. Frequently the farmer will be found himself to have proprietary claims on the Mehal, and in virtue of those claims to have obtained a lease of the Mehal as a farmer, for the term of the Settlement. If so, there should be no hesitation in at once declaring him proprietor, and recording him as such in the Malgoozaree Register.

7. But even if the farmer have no proprietary claims, and have only a farming lease for the period of the Settlement, it will be better to recognize him at once as proprietor, unless there be strong adverse claims possessed by parties out of possession, which it would be unjust to overlook. In that case, the parties out of possession may be declared proprietors, but only with right of entry on the termination of the farming lease. Malikana should not be given except in very glaring cases of great omissions.

8. If the proprietary title is offered to a farmer in posesssion, it may be that, from pecuniary embarrassment or some other cause, the farmer may decline the offer, being unwilling to change a farming tenure which is not transferable into a proprietary tenure which is transferable. In this case the offer of the proprietary right should be made and recorded, but it will only become effective when the farmer chooses to acccpt it or when the lease terminates, either by the expiration of the term or the demise of the farmer. In the latter case, the heirs of the farmer will be recognized as proprietors. If, however, the proprietary title is bestowed on a person who is not in possession of the estate, as farmer, the declaration of the right may be immediate and absolute, and need not be left dependent on the acceptance of the person, in whose favour the declaration is made.

9. When a farm has lapsed, and there is no person posscssed of any equitable claim to the Mehal, the proprietary right may be put up to public auction and sold to the highest bidder.

10. A farmer on accepting the proprietary title to a Mehal must be considered as binding himself to defray the costs of defending the right against all who may contest it in a Court of Law, but the Collector should be prepared to give his advice and assistance in the defence of such suit to those whom he invests with the right.

11. In declaring the proprietary right, the Collector must be most careful in specifying all the persons in whose favor the declaration is made and the extent of the right possessed by each. When the farmer is invested with the proprietary right in virtue of his lease, it is optional with him to admit whom he likes to a participation in the right in addition to those who may already be in possession with him under the farm.

12. Special cases which involve peculiar features, or form a large and important class affecting great interests, should be referred for the special consideration and orders of the Government.

13. All Collectors are now directed to form lists of the Farmed Mehals, of which there are no recorded proprietors. They will bring these cases on their files as quickly as they can conveniently dispose of them, and they will furnish Monthly Statements, in the form noted in the margin,* to the Commissioners, for transmission to the Sudder Board of Revenue, till the whole are completed.

* *Monthly Statement of awards of proprietary right in Farmed Mehals of which there are no recorded proprietors for the district of* ———— *and the month of* ———— 185

No. of Cases in the district on formation of first Statement.	No. of Cases disposed of up to close of preceding month.	No. of Cases disposed of in the month.	No. of Cases remaining at the close of the month.	Remarks.

14. A right of appeal to the Superior Revenue Authorities of course exists in all such cases, but in hearing such appeals, Commissioners and the Sudder Board of Revenue should bear in mind, that the duty assigned to the Collector is rather discretional than judicial. There may be many shades of opinion on the claims preferred, and interference with the orders given by the Collector should not be lightly exercised, but reserved only for important cases, where a course in itself manifestly unjust or inexpedient has been pursued.

15. Such decisions need not be ordinarily referred to the Government for confirmation, but the Government reserves to itself the right of interference, when special cases are brought forward either on petition of the parties concerned, or in consequence of difference of opinion between the Revenue Officers, who may investigate them, or on any other grounds.

No. 2091.

Notification, General Department,—Lieut. Governor's Camp, the 20th December, 1851.

The Hon'ble the Lieutenant Governor is pleased to direct that the following Circular letter be published for general information.

CIRCULAR No. 2090.

To the Secretaries of Committees superintending Government Dispensaries in the N. W. Provinces.

DATED LIEUT.-GOVERNOR'S CAMP,—*the 20th December,* 1851.

GENERAL DEPARTMENT.

SIR,

I am desired by the Hon'ble the Lieutenant Governor to draw your attention to the annexed copy of a paragraph of the Bengal Medical Regulations, regarding the employment of apprentices in the Dispensaries supported by Government.

2. You will be careful that the full number of apprentices, over and above the authorized Establishment at the Dispensary, is always entertained, and that every endeavour is made to instruct them in the duties of a Native Doctor attached to a Regiment or to a Civil Jail. Those apprentices who on due trial are found incapable or unwilling to acquire the necessary medical knowledge, should be immediately discharged; whilst those who are able to qualify themselves during the course of their apprenticeship, should be brought before the Medical Committees which are occasionally assembled for the purpose of examining Candidates, in order that they may obtain certificates as Native Doctors of the 3rd Class.*

It will be optional with those who obtain such certificates to enlist as Native Doctors in the Army, or to seek employment elsewhere.

* The Monthly Pay of Native Doctors of the old or 3d class attached to Corps is fixed at 10 Rs. per mensem, with Batta of 5 Rs. when in Garrison or Cantonment, and extra full Batta of 5 Rs. when marching, Bengal Medical Regulations, chap. XXVI., paragraph 13. The Civil Pay is from 15 to 20 Rs. per mensem.

3. You are requested in your Half-yearly Reports* on the Dispensary always to mention the conduct and attainments of the apprentices attached to the Dispensary, and to bring to the special notice of the Superintending Surgeon those who are deserving of commendation.

* *Vide* Bengal Medical Regulations, chap. XL., paragraphs 26 and 27.

Extract from the Bengal Medical Regulations: chapter XL. paragraph 29, last Edition, 1851.

" Two or more respectable Hindoo or Mussulman boys, who can read and write " the Nagree or Persian character, will be attached as apprentices to each Dispensary, " who will receive from the Sub-Assistant Surgeon such instructions, in the subor- " dinate branches of professional education, as may qualify them to serve elsewhere as " Compounders or 3rd class Native Doctors. These apprentices will assist in com- " pounding medicines and carrying on the duties of the Dispensary. For the first " year, each will be allowed 3 Rs. per month; and if deserving 4 Rs. for the second, " and 5 Rs. for the third year. If on due trial they are found to be incapable or " unwilling, they are, with the sanction of the Committee, to be discharged, and " others entertained in their room."

CIRCULAR ORDERS

OF THE

SUDDER DEWANNY ADAWLUT,

NORTH WESTERN PROVINCES.

FOR 1851.

CIRCULAR No. 117.

Agra, the 17th January, 1851.

To the Civil Judges in the North Western Provinces.

As considerable difficulty frequently occurs in finding persons who are willing to act as Moonsiffs for short periods in distant or unpopular localities, and the delay which consequently takes place on these occasions in filling up vacancies, is obviously objectionable, I am directed by the Court to request that, whenever you may have occasion to forward an application from a Moonsiff for leave of absence for any period short of three months, you will invariably, if possible, nominate, for the sanction of the Court, a Candidate who may be qualified to act by the possession of the usual diploma, and who may be prepared to join the appointment without loss of time.

CIRCULAR No. 150.

Agra, the 24th January, 1851.

To the Civil and Criminal Authorities in the North Western Provinces.

The Court publish, for general information, a copy of the Advocate General's opinion relative to the enforcement by the Company's Judicial Officers of Acts of Parliament relating to India, enacted since the passing of the last Charter Act, which have not been promulgated by any Act of the Local Legislature.

QUESTION.

"With reference to the precedent laid down in the case of Mr. D'Souza *versus* Lieutenant Wroughton, Sudder Dewanny Adawlut Reports, 23rd February, 1827, volume 4, page 225, and to the terms of Regulation XX. of 1825, is the enforcement of the provisions of Acts III. and V. Vic. Chapter 37, Section 36, relative to the punishment of persons buying clothes, &c. from European Soldiers in the Company's service binding on Magistrates in the Company's Criminal Courts. No Act of the Local Legislature having been passed with reference to, and for the promulgation of the above cited Act of Parliament."

OPINION.

"I am of opinion that the 36th Section of 3rd and 4th Vic., Chap. 37, is binding on Magistrates of the Company's Criminal Courts, although no Act of the Local Legislature has been passed for the promulgation of that Act of Parliament.

"By the present Charter, 3rd and 4th, William IV., Chap. 85, a subordinate Legislature was created, and it was expressly provided that the Governor General in Council should have power to make and alter laws, save and except 'any laws or

Regulation which shall in any way repeal, vary, suspend, or affect any of the provisions of this Act or any of the provisions of the Act for punishing mutiny or desertion of Officers and Soldiers, whether in the service of her Majesty, or the said Company, or any provision of any Act hereafter to be passed in any wise affecting the said Company or the said Territories, or the inhabitants thereof.' Since the passing of this Act, the imperial Legislature has often passed Mutiny and other Acts applicable to India and its inhabitants, which have never been promulgated by any Act of the Local Legislature, and which nevertheless have been without question enforced in this country. I would refer to the Mutiny and Insolvent Acts as examples which have never been promulgated by any Act of the Indian Legislature. If such promulgation were necessary, the Charter Act would contain some enactment to that effect, but the Charter Act contains a provision that the Indian Legislature shall not have power to suspend any Act of the British Legislature (passed since the Charter Act) applicable to this country. Now, if it be true that Acts of the British Parliament are not in force here until promulgated by the Indian Legislature, then it must follow that such British Acts have no force in this country of themselves, and are suspended until the Indian Legislature chooses to promulgate them,—a state of things which the 43rd Section of the Charter Act was expressly framed to prevent.

" I am also of opinion, upon the construction of the whole of the Section 36 of 3rd and 4th Vict. 3, Chap. 37, that the offence is one cognizable by the Criminal Courts, and that a Magistrate has power to enforce the penalty.

" The 3rd and 4th Vict. Chap. 37, was a Mutiny Act for the Company's European Forces, and although a great many of its provisions have been recently superseded by a new Mutiny Act (12th and 13th Vict. Chap. 43,) yet the Act 3rd and 4th Vict. has not been entirely repealed, and the 36th Section still remains in force.

" I am at a loss to understand the principle upon which the case of D'Souza *versus* Wroughton, 4 Sudder Dewanny Reports, was decided, but as that case occurred before the passing of the late Charter Act, it seems unnecessary to consider it more particularly."

CIRCULAR No. 305.

Agra, the 24th February, 1851.

To the Civil Judges in the North Western Provinces.

A case having occurred, in which a Moonsiff died leaving 25 suits decided without the reasons of the decisions having been recorded, the Court think it proper to call the attention of all subordinate Judicial functionaries to the importance of a strict compliance with the requirement of Act XII. of 1843.

2nd. The Zillah Judges are requested to bring to the notice of the Court any instance in which they may have reason to suppose a like irregularity to have been committed by any of the Uncovenanted Judges under their immediate controul.

CIRCULAR No. 351.

Agra, the 28th February, 1851.

To the Civil Authorities in the North Western Provinces.

In order to prevent the inconvenience which may result from summary suits, under Act XIX. of 1841, being instituted in different districts in respect of the same property or portions thereof, the Court direct that in future, immediately upon the receipt of an application under this Act, the Judge to whom it is made will convey to the Judges

of those districts in which any portion of the property may (as alleged by the applicant) appear to be situate, intimation of the institution of the suit; should the result of this reference show that an application with regard to the same property had previously been made in another district, the Judge will in conformity with the provisions of Section 13, refer the applicant in the case before him to the Judge of that district, abstaining from further proceedings in his own Court: should no previous application have been made in another district, the Judges of the other districts to whom intimation may be sent by him, will refer to his Court any parties thereafter applying to them.

CIRCULAR No. 459.

Agra, the 15*th March,* 1851.

To the Civil Authorities in the North Western Provinces.

The Court publish, for general information, the following portion of a letter from the Officiating Secretary to the Government of India in the Military Department, to the Quarter Master General of the Army, conveying the opinion of the Hon'ble the President in Council, on the 3rd clause of paragraph 6 of General Order, dated the 12th September, 1836.

" In reply to your despatch No. 999 of the 10th December last, to Secretary " Colonel Stuart, C. B., I am directed to state for the information of His Excellency " the Commander-in-Chief, that the Hon'ble the President in Council is decidedly " of opinion that the 3rd clause of paragraph 6 of General Order, dated the 12th " September, 1836, was never intended to give authority to the Officer Commanding a " Station to interfere in regard to the proprietary right to property within the Military " Cantonment, or to prohibit its sale or transfer in execution of a decree of the Civil " Court, although it appears to His Honor in Council to invest the Commanding " Officer with power to forbid the occupation of a house in Cantonments by a Non- " Military person without his previous sanction."

CIRCULAR No. 546.

Agra, the 29*th March,* 1851.

To the Civil Judges in the North Western Provinces.

The Court draw attention to an imperfect translation of the words "on the grounds of delay, informality or other default" by the words بعلت عدم خبر گيري يا بيضابطگي وغيرہ in the Urdoo version of Act XXII. of 1838, published by the Government Translator, and direct that instead thereof the words بعلت توقف بيجا يا بيضابطگي يا ديگر قصور be substituted.

CIRCULAR No. 631.

Agra, the 25*th April,* 1851.

To the Civil Authorities in the North Western Provinces.

The Court notify that the rule laid down in paragraph 4, of their Circular Order No. 1551, dated 23rd August, 1842, regarding the disposal of deposits which may be forfeited in sales of real property made by Ameens, has been held by them to be superseded by Section 2, Act XXV. of 1850, with reference to the terms of which the form of proclamation prescribed by their Circular Order No. 1600, dated 21st August, 1843, has been amended.

CIRCULAR No. 782.

Agra, the 23rd May, 1851.

To the Civil Judges in the North Western Provinces.

With reference to Clause 4, Note to Schedule B. Regulation X. of 1829, Section 4, Regulation XIII. of 1808, and Clause 1, Section 7, Regulation XXVI. of 1814, the Court are pleased to withdraw the Circular Order of the 19th June 1840, No. 90, and to modify Construction No. 1046, by cancelling so much of it as relates to the precise period in the progress of a suit at which objections to the valuation of a claim should be received and disposed of.

CIRCULAR No. 814.

Agra, the 2nd June, 1851.

To the Civil Judges in the North Western Provinces.

The Court desire it to be observed, that Section 8, Act IV. of 1846, which requires a proclamation to be issued "thirty days at least before the day appointed for the sale," has reference only to the first Notification of a proposed sale, and not to a subsequent advertisement, following upon a definite postponement of the same sale by order of the Civil Court or other cause.

2nd. Under the provisions of Section 13, Act I. of 1845, (which have been declared by No. 6 of the Rules framed by the Court under Section 11, Act IV. of 1846, to be applicable to sales made under the latter enactment) whenever an adjournment may be required by any of the contingencies therein contemplated, a sale may be postponed from day to day."

3rd. In regard to longer adjournments, the Court have already in their decision of the case noted in the margin* recognized the principle, that proclamations merely postponing a sale from the date first fixed to a later date, need not contain a notice of thirty days.

* Ranee Sobass Konwaree and Doorgapershad, (Plaintiffs), Appellants,
versus
Sheo Lall Singh and others, (Defendants), Respondents.
Printed decisions of Sudder Dewanny Adawlut, North Western Provinces, for August 1850.

4th. A sale *indefinitely* postponed is no longer pending, and, if again proposed, must be notified in strict conformity with the terms of Section 8, Act IV. of 1846.

5th. So also a re-sale, consequent on default of payment of purchase money, must be notified like the original sale by a proclamation of thirty days' length, as prescribed by the Court's 10th Rule.

CIRCULAR No. 822.

Agra, the 2nd June, 1851.

To the Civil Judges in the North Western Provinces.

The following Rule of Practice framed by the Presidency Court, and approved by the Supreme Government, has been adopted by the Western Court, and is published for the information and guidance of the Lower Courts.

2nd. With reference to the modification by Act XXX. of 1850, of that part of Section 2, Act IV. 1850, which required notice in writing to be given to appellants, the Court resolve, that on the record of an appeal case being received in the Office of the Court, a notice to such effect shall be affixed in the Court house for three months for the information of the appellant, with a view to his filing his detailed reasons of appeal within the time prescribed by law.

3rd. It shall not be necessary for the Court from whose decision the appeal has been preferred, to give any notice to appellants under Section 2, Act IV. 1850 of the transmission of the record.

CIRCULAR No. 938.

Agra, the 4th July, 1851.

To the Civil Judges in the North Western Provinces.

The Court are pleased, under the sanction of the Government, to extend the operation of their Circular Order. No. 1210, dated 14th July, 1845, to the end of the year 1838.

CIRCULAR No. 1018.

Agra, the 19th July, 1851.

To the Zillah Judges and Principal Sudder Ameens in the North Western Provinces.

The Court request that in future with "the proceedings held in the cause of Appeal," certified to them under the 2nd Section of Act IV. of 1850, a copy of the decision appealed, on unstamped paper, be also transmitted by the lower Court.

CIRCULAR No. 1060.

Agra, the 1st August, 1851.

To the Civil Judges in the North Western Provinces.

To secure uniformity of practice in the payment of money in satisfaction of decrees, the Courts, Presidency and North Western, have ruled that judgment debtors should be allowed to pay into Court, whenever they please, either before or after execution is taken out, the amount of decrees against them. The Courts do not apprehend that their being permitted to do so, will add either to the labours and responsibility of the Judges, or to those of their Treasurers, for the money, if in excess of the sum usually retained in the Civil Treasury, should at once be remitted to the Collector.

CIRCULAR No. 1073.

Agra, the 2nd August, 1851.

To the Judges in the North Western Provinces and Commissioner of Kumaon.

The Court request that in future the monthly decisions of the Zillah Judges which are transmitted through their Office to the Press for publication, may be accompanied by a short Index which may show at a glance the subjects of the various suits which have been decided. It is not intended to impose upon the Judges the labour of making an Abstract of the particulars or points of each case, or any classification of the cases. It will be sufficient that the table of contents exhibit the number of the case, the names of the parties and the nature of the claim, as *e. g.* No. 164, Rambux, (plaintiff), appellant, *versus* Sevaram, (defendant), respondent. Suit, to recover rent of land. An Index of this kind, it is hoped, without giving much trouble to the Judges, will facilitate reference to their decisions, and add to the usefulness of the publication of them.

CIRCULAR No. 1105.

Agra, the 8th August, 1851.

To the Civil Judges in the North Western Provinces.

The Court make known that it has been judicially determined that every sheet required for engrossing copies of decrees, need not be of stamped paper. It is sufficient, according to Article 2, Schedule B. Regulation X. of 1829, that for each copy of a decree, one stamped paper, or stamped papers of the value of 1, 2 or 4 Rupees, should be given, according to the grade of Court in which they are passed. Accordingly, in concurrence with the Calcutta Court, the Court rescind Circular Order, No. 82, dated 8th May, 1840, and substitute the following modified instructions, for the guidance of the Courts of the Zillah Judges and the Principal and other Sudder Ameens.

2nd. The stamped paper of the value of 1, 2 or 4 Rupees, as the case may be, required for the copy of a decree, should be given in at once by the party applying for such copy. The Decree Nuvees is to certify on the back of each decree, as soon as it may be ready for transcribing, the date on which it was ready.

3rd. The Court take this opportunity of observing that, owing to the want of the requisite information on the back of copies of decrees and orders appealed from, doubts have frequently arisen as to the precise time an appellant is entitled to claim as a deduction from the period prescribed for appealing, in consequence of the stamped paper given in for the copy of the decree, or order remaining in the serishta of the lower Courts, and also whether any delay which may have occurred is fairly attributable to the party petitioning for the admission of an appeal. The Court are accordingly pleased to direct that in future on the copy of every decree and order granted by Zillah Judges, they cause to be endorsed the particulars noted below, and that they strictly enjoin the observance of the same rule by the Principal Sudder Ameen, Sudder Ameen and Moonsiffs within their jurisdiction.

On Copies of Decrees or Judgments.

On the — 185 , the original of this Decree was signed.

On the — 185 , A. B. Plaintiff (or Defendant, Appellant, or Respondent, as the case may be) gave in stamped paper of 1, 2 or 4 Rupees value, as the case may be, for a copy of the Decree.

On the — 185 , the copy was signed and sealed.

On the — 185 , the copy was delivered to —.

On the — 185 , copy of the Decree was prepared and delivered to the pauper or other party, or owing to his refusal to take it when tendered, deposited among the records, or

* Where a pauper may be a party or where the decree may have been passed in a Moonsiff's Court.

On the — 185 , the pauper or other party failed to attend, after due notice, in person or by Vakeel, and the copy was accordingly deposited among the records.

On Copies of Roobakarees.

On the — 185 , this roobakaree was signed.

On the — 185 , A. B. (Plaintiff or Defendant, Appellant or Respondent, as the case may be) applied for a copy of this roobakaree.

On the — 185 , Stamped Paper was given in.

On the — 185 , this copy was signed and sealed.

On the — 185 , this copy was delivered to —.

CIRCULAR No. 1129.

Agra, the 15th August, 1851.

To the Civil Authorities in the North Western Provinces.

The Courts for the Lower and North Western Provinces, having had under consideration the 2nd* Rule of Circular Order No. 197, dated Lower Provinces, 13th January, 1837, Western Provinces, 14th February, 1837, direct its rescission.

* " By Section 54 of the same Regulation, the Sections before cited are declared not to preclude the Judges from deputing Ameens or employing their own Officers in the execution of the abovementioned duties, and the Judges are particularly required to be careful that the time of the Moonsiffs be not so much occupied in the miscellaneous duties above described as to interfere materially with the early trial and decision of the regular suits pending before them."

2nd. They remark that the rule is wrong in saying that, by Section 54, Ameens may be deputed to perform any of the duties defined in Sections 50, 51, 52 and 53 of Regulation XXIII. of 1814. Section 54 is only a Clause saving and continuing the powers which had been conferred by the previous Law, and says that, notwithstanding the power of employing Moonsiffs on the duties described in the above Sections, Ameens may be deputed for local enquiries, and the authorized Officers of the Court for the performance of their executive duties *according to the existing Regulations ;* and the only existing Law as regards Ameens was, and is Section 17, Regulation IV. of 1793. The Section (54, Regulation XXIII. 1814), adds nothing to the former legal powers either of Ameens or of the officers of the Courts. A Moonsiff employed on local enquiries, is specially empowered (Clauses 1 and2, Section 50, Regulation XXIII. 1814), to take evidence, and, if so directed, to transmit a report of his own sentiments on the point at issue, the matters capable of reference to him being various and extensive. An Ameen can only be ordered* to enquire regarding " lands, houses, or their limits and boundaries," and is only to *report* what he ascertains by his local investigation either personally, or by the explanatory statements of others, though he cannot take such statements upon oath as evidence.

* See Section 17, Regulation IV. 1793.

3rd. Zillah Judges will be careful to see that the purport of this Circular Order is thoroughly understood by the Judges of the Courts subordinate to them. The very irregular practice of the deputation of Ameens in nearly all kinds of suits as regarding bonds, or other documents, must be distinctly and positively prohibited.

CIRCULAR No. 1130.

Agra, the 15th August, 1851.

To the Civil and Criminal Authorities in the North Western Provinces.

The Court request that, in attesting Powers of Attorney in future, the Attesting Officer will invariably sign his name in full.

CIRCULAR No. 1459.

Agra, the 8th November, 1851.

To the Civil Authorities in the North Western Provinces.

The Court having found in one district a practice of levying a per centage from decreeholders for the purpose of remunerating a Mohurrir employed by the Collector in cases of execution of decrees, hereby notify that such a practice is unauthorized by law, and prohibit it.

CIRCULAR No. 1530.

Agra, the 21st November, 1851.

To the Civil Authorities in the North Western Provinces.

The practice of females coming into the Courts as parties to suits, without recording their names, as wife or widow of such an one, or under some other definite designation, has fallen under the observation of the Court in sundry instances, and as it is not authorized by the law, and is liable to objection, the lower Courts are requested invariably to notice such omissions, and to see that the deficiency be supplied before the plaint is entered on the file.

CIRCULAR No. 1597.

Agra, the 5th December, 1851.

To the Civil Judges in the North Western Provinces.

With a view to provide for the adequate publication of notices of applications made for Certificates under Act XX. of 1841, the Court are pleased to direct that, in carrying out the general direction of the Law, (Section 2 of the above Act) which is that "the Judge shall *issue notice* of application inviting claimants," such notice shall be published at the residence of the deceased and at the Cutcherry of the Moonsiff, within whose jurisdiction such residence is situated, as well as the Judge's Cutcherry.

CIRCULAR No. 1646.

Agra, the 12th December, 1851.

To the Civil Authorities in the North Western Provinces.

The Court notify the rescission of Construction 1024, with the concurrence of the Presidency Court.

CIRCULAR No. 1675.

Agra, the 19th December, 1851.

To the Civil Authorities in the North Western Provinces.

A serious error in the omission to render the word "original" in the vernacular version of Section 3, Act XV. of 1845, published in the *Agra Government Gazette* of the 9th September, 1845, having been brought to notice, the Court are pleased to direct the correction of it by the substitution of عرضي نالش مرافعه اولي كسي قسم كي for نالش كسي قسم كي as the translation of "plaint in original suits."

NOTIFICATION

OF THE

SUDDER DEWANNY ADAWLUT,

NORTH WESTERN PROVINCES.

For 1851.

No. 1649.

Notification,—Agra, the 12th December, 1851.

The following rule in addition to those promulgated on the 14th December, 1846, regarding the sale of land, or of rights and interests in land, paying revenue to Government in execution of the decrees of the Civil Courts, having been approved by the Supreme Government, under Section 11, Act IV. of 1846, is published by order of the Sudder Dewanny Adawlut, North Western Provinces, for general information, and the guidance of the Judicial Authorities.

Additional Rule.

No sale, under Act IV. of 1846, shall be held during the annual vacations of Dusserah and the Mohurrum.

CIRCULAR ORDERS

OF THE

NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES.

FOR 1851.

CIRCULAR No. 86.

Agra, the 1st February, 1851.

To the Criminal Authorities in the North Western Provinces.

The following Extract from a letter addressed to the Court by the Advocate General with reference to the scope of Acts III. and IV. Victoria, Chapter 37, is published for general information.

"I am of opinion that the 40th Section of the 3rd and 4th Victoria, Chapter 37, "limits the operation of the Statute to the parties specified in that Section, and that "persons not belonging to any of the Classes of persons mentioned in the 40th "Section are not punishable under the 36th Section. This Construction is some-"what strengthened by the 11th Clause, which shows that the parties (without any "exception being mentioned) intended to be tried and punished under the Act are "the parties subject to its provisions according to the 40th Section."

"It is possible that this Construction may not be consistent with the intention "of those who framed the Statute, but I can put no other construction on the enact-"ment, which, being of a penal nature, must be construed strictly."

"The New Mutiny Act for the East India Company's Forces, (Statute XII. "and XIII., Victoria, Chapter 43) although it re-enacts with alterations almost all "the Clauses of the 3 and 4 Victoria, Chapter 37, does not alter, re-enact, or repeal "the 36th Section of that Statute."

CIRCULAR No. 293.

Agra, the 25th April, 1851.

To the Criminal Authorities in the North Western Provinces.

The Articles of War Nos. 102 and 103, vest the administration of the estate of any deceased Officer or Soldier, or person receiving public pay drawn by any Officer in charge of a public Department belonging to the Army in the Military Authorities, whenever there may be no heir or executor of the deceased on the spot at the time of decease; thereby precluding the jurisdiction of the Civil Courts in regard to the same under Clause 7, Section 16, Regulation III. of 1803, as was notified to the Civil Authorities by the Circular Order of the Sudder Dewanny Adawlut, No. 779, dated 14th June last.

2nd. Accordingly, the Court are pleased to modify paragraph 3 of their Circular Order No. 3, dated 17th November, 1837, by directing that whenever any property of the kind described in the preceding paragraph may come into the hands of a Magistrate, he shall, instead of forwarding it, as heretofore, to the Judge of the district, communicate with the Officer Commanding the Regiment or in charge of the department to which the deceased belonged, and comply with the instructions which such Authority may give regarding the disposal of it.

CIRCULAR No. 431.

Agra, the 31st May, 1851.

To the Magistrates in the North Western Provinces.

With a view to prevent misconception of the meaning of the Notification in the Judicial Department, No. 824, dated 7th March last, which appeared in the *Government Gazette* of the 11th idem, the following Extract from a letter No. 1527, addressed to the Court on the 28th ultimo, by the Secretary to the Government, North Western Provinces, is published for general information.

" The Lieutenant Governor observes that it is evident from the terms both of " the Sudder Board's Circular, dated 11th October, 1844, and of the Government " Notification dated 7th ultimo, that the restrictions therein contained are only " intended to apply to cases in which it might be desired to institute proceedings on " the part of *Government* against the Native Officers referred to. There seems little " reason to apprehend that the Orders in question will be construed to prohibit the " Magistrates from entertaining *bonâ fide* complaints from individuals which may be " brought forward in regular course against such Officers."

CIRCULAR No. 548.

Agra, the 4th July, 1851.

To the Criminal Authorities in the North Western Provinces.

In modification of Construction No. 1349, the Courts of Nizamut Adawlut for the Presidency and North Western Provinces, have held that the Criminal Courts can only have jurisdiction to interfere with possession of moveable property, when it has been acquired under circumstances which would authorize the laying of a direct Criminal charge, such as theft, or fraud, or Criminal trespass, and the like. The words " illegal and forcible dispossession," used in the Construction, imply a power in the Magistrates to assert on more general grounds the title of any party to possession of moveable property, a power which, in the opinion of the Courts, cannot legally be exercised by them.

CIRCULAR No. 600.

Agra, the 18th July, 1851.

To the Criminal Authorities in the North Western Provinces.

In continuation of Circular Order No. 1066 of the 28th September last,* regarding the jurisdiction of Mofussil Magistrates in cases of assault by one European British Subject upon another European British Subject, the Court publish for general information an extract from a letter communicating the Advocate General's opinion concerning the jurisdiction of Justices of the Peace in the same cases.

* *Vide* Erratum No. 1225, dated 22nd November, 1850.

" I am of opinion that a Justice of the Peace, acting in this office only, has no " judicial power where a charge for an assault is preferred by one British Subject " against another British Subject, and that he can only commit the party, if he thinks " fit so to do, for trial by the Supreme Court."

CIRCULAR No. 697.

Agra, the 15*th August,* 1851.

To the Sessions Judges in the North Western Provinces.

With reference to the Circular Order No. 106, of March 18th, 1842, and the provisions of Section 5, Act XXXI. 1841, the Court direct that, whenever the Sessions Judges have occasion to forward a report under the Circular Order in question, together with the record of a case for the orders of this Court, they will, in the first instance, communicate a copy of their intended report to the Magistrate, or other Officer, whose order they wish to bring under the Court's notice, with a view to that Officer submitting such explanation of the nature and grounds of his proceeding as he may think proper to offer.

2nd. Should they, on receipt of this explanation, continue to think it necessary that the case should be laid before this Court, they will then attach the explanation of the Magistrate, or other Officer, to their report, with any remarks in regard to it which may seem to them to be material.

CIRCULAR ORDERS

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES.

FOR 1851.

CIRCULAR No. 1.

Agra, the 28th March, 1851.

To all Commissioners, North Western Provinces.

It has been brought to the notice of the Board, that no provision has been made in the preparation of Statement XI. A. of the Annual Revenue Returns, for bringing into the calculation of the price of lands sold publicly or privately, such liens of mortgage or other nature, which, though forming on some occasions a virtual portion of the consideration for which property is purchased, do not appear as part of the actual price.

Statement XI. A. of Annual Administration Report. Furnishes instructions for the more complete preparation of this Return.

2nd. As it is the object of the Return to procure a *bonâ fide* Register of the *value* of land, the Board desire that in all cases of sale, where authenticated liens are found to exist in favour of the purchaser, the amount of such lien be taken into consideration in calculating the prices of Statement XI. A. The circumstance will in each case be explained in the column of Remarks.

3rd. All fictitious prices should for the same reason be excluded from the Statement: thus a manifestly excessive price fixed nominally to bar the right of prëemption, should not appear in the Return, but they should be added to a supplementary list, with the reason of rejection.

CIRCULAR No. 2.

Agra, the 28th March, 1851.

To all Commissioners, North Western Provinces.

The Sudder Board of Revenue, North Western Provinces, direct me to call your attention to the Enactments and Orders noted in the margin,* regarding the appointment of Vakeels on the part of Government, at the Civil Courts of the several Judges, and to request that the course therein prescribed be strictly followed.

Appointment of Government Vakeels at the Zillah Civil Courts. Draws attention to Enactments on the subject, and directs conformity therewith.

* Regulation XXVII. of 1814, Section 37, Clauses 1 and 2.
Regulation XIII. of 1829, Section 4.
Circular Sudder Dewanny Adawlut, 10th June, 1842.
Directions to Collectors, paragraph 125.

2nd. When the Judge, in conformity with the Court's Circular, reports a vacancy for your information, you should communicate at once with the Collector; and

having obtained his views as to the qualifications of the Candidates for the post, report the result without loss of time to the Board.

3rd. If necessary, the opinion of the Judge may be requested as to the character and ability of his Vakeels.

No. 4.

Agra, the 29th April, 1851.

To all Commissioners.

Encroachment upon public Ground. Board promulgate instruction for more vigilantly guarding against encroachments upon Government property.

Several cases having lately come to the notice of the Sudder Board of Revenue, in which ground appropriated for public Offices has been encroached upon by private buildings; especially in Tehseeldarce enclosures, where Officials attached to the Establishment have been permitted to erect houses for themselves and their families; they desire, at the suggestion of Government to direct the attention of public Officers to the necessity of more vigilantly guarding the interests of Government, with respect to such land, and securing its entire and absolute application to the purposes for which it was originally set aside.

2nd. The more effectually to accomplish this object, you are requested to cause the several Collectors, or other Officers in charge of the Revenue Administration of the districts subordinate to you, to prepare without loss of time a complete Register and accurate Maps of all such property within their jurisdiction, and from time to time to assure themselves that no encroachments are being allowed upon it.

3rd. You will be pleased to report the fulfilment of these orders, when they shall have been carried out.

No. 5.

Agra, the 3rd June, 1851.

To all Revenue Authorities, North Western Provinces.

Cases of Appeals. Instructions for the prevention of delay in appeals from the decisions of Civil Courts.

Instances having occurred of suits decided in the Civil Courts, where the opportunity of appeal has been lost from delay in procuring a copy of the decree, the Sudder Board of Revenue, North Western Provinces, direct me to call the attention of their subordinates to the necessity of depositing in Court the stamp paper for the required copy *immediately upon the decree being passed.*

2nd. From the Circular of the Sudder Dewanny Adawlut, dated the 8th May, 1840, paragraph 1st, it will be seen that the stamp paper may be given in before the decree is ready for transcribing, in which case, if only a portion of the paper required for the transcription be presented, it will suffice to exempt the period of its deposit from the term of appeal.

3rd. By Section 3, Act III. of 1843, "copies of the *several* decrees previously passed on the case," must be presented along with every application for special appeal; whenever, therefore, it is proposed to bring a special appeal, the district Officers will be careful to see that copies of all decisions previously passed in the case be submitted to the Board without loss of time.

4th. Where any such delay may have occurred in a case appealable to the Sudder Dewanny Adawlut, as to render it unlikely that the report of the case and copies of decisions would reach the Board through the Commissioner in time to

prefer an appeal, and the district Officer may be of opinion that the case is of importance, he is authorized to submit a copy of his report along with the requisite copy of the decree or decrees, direct to the Board.

5th. The Board request particular attention to the Circular of the Sudder Dewanny Adawlut, No. 501, dated the 13th March, 1845, which renders it impossible to admit a special appeal after the lapse of the three months appointed by law, and likewise makes it imperative to present the copies of previous decrees within that period.

6th. It is further prescribed, that in all cases decided against Government in which either from the value of the suit, or the decision being that of an Appellate Authority, the appeal lies direct to the Sudder Dewanny Adawlut, a report be submitted by the Collector to the Secretary of the Board, *immediately* on the decision being passed. The report will be simply one of form according to the accompanying Statement, which must not be delayed for the entries in Columns 6 and 7. These latter entries, viz., the dates of deposit of paper and delivery of copy, will be severally reported, according to the same form, immediately the information is procured.

7. Government Vakeels will be held responsible for the prompt transmission to the Collector of these details.

Report of a Civil Suit decided against Government.

	Names.			Dates of		
1	2	3	4	5	6	7
District.	*Plaintiff.*	*Defendant.*	*Subject of Suit.*	*Decree.*	*Deposit of Stamp Paper.*	*Delivery of Copy.*

Notification,—Agra, the 6th June, 1851.

Prices Current.

States the object of Government in their publication, and what is necessary to its attainment.

It is the object of Government in publishing these Tables, that correct information should be available to its own Officers and to the Public, regarding the price of the chief Articles of Agricultural produce in the principal Cities of the North Western Provinces.

A Table in the accompanying form will therefore be published as early as possible in every month. It will be prepared from Returns furnished by the Tehsceldar or Peshkar of each Station.

The entries will show the fair market price which ruled in the Bazar, unaffected by any extraneous influence, on the last market day of the month. The prices are wholesale for Cotton and Goor, but retail for all other Articles.

The price is that of the best sort of each Article. By Sugar, is meant *Cheenee*, or refined Sugar. By the best sort of Rice, is meant, not the rarest in the market, but the best species ordinarily produced in the District or in the nearest rice growing Districts.

The weights shown are those fixed by Section 4, Regulation VII. of 1833, viz., (1 Maund 40 seers, of 80 Tolahs, or 180 grains Troy each): and the Coin is that of the Company determined by Regulation XVII. of 1835, (viz., 165 grains pure Silver, and 15 grains of Alloy).

It must be understood that no authority is given, or can exist, to regulate prices. The duty of the Revenue Officers is simply to record what prices actually range in the market.

Any objections bearing generally on the statement or the principles of its construction, may be addressed to the Sudder Board of Revenue, North Western Provinces, but such as contain imputations on the accuracy of any particular entries, should be communicated to the Collectors of the Districts to which those entries refer.

Prices Current at the chief Stations in the North Western Provinces at the close of the Month of May, 1851.

Articles.	Stations.																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
	Hissar.	*Dehlie.*	*Saharunpore.*	*Meerut.*	*Allygurh.*	*Moradabad.*	*Bareilly.*	*Budaon.*	*Multra.*	*Agra.*	*Furruckabad.*	*Cawnpore.*	*Banda.*	*Allahabad.*	*Goruckpore.*	*Mirzapore.*	*Benares.*	*Ghazeepore.*	*Jubbulpore.*	*Saugor.*
1. Wheat, White,																				
2. Barley, ...																				
3. Gram, ...																				
4. Bajra, ...																				
5. Joar, ...																				
6. Dâl Mussoor, ..								•												
7. Rice, ...																				
8. Sugar, ...																				
9. Salt, Sambur, ..																				
10. Ghee, ...																				
11. Bhoosa, White,																				
12. Grass, ...																				
13. Cotton, *(W.)* ..																				
14. Goor, *(W.)* ..																				

The entries show the prices of the first sort of each Article on the last market day of each Month. The prices of Articles marked *W.* are *wholesale*, and are expressed in the value per Maund. The rest are retail, the weight or quantity being entered per Rupee. The coins and the weights are the Company's.

NOTE.—Objections bearing upon the form of the tables or the principles on which they are constructed, may be addressed to the Secretary of the Sudder Board of Revenue, but all communications as to the fidelity of the entries should be sent to the Collectors of the Districts in the Returns of which error is suspected to exist.

To all Revenue Officers in the North Western Provinces.

Agra, the 24th June, 1851.

Perwanahs to Government Vakeel.

Every such perwanah should have superscribed upon it the name and office of the party issuing it.

The Vakeel of Government at the Sudder Dewanny Adawlut, having reported to the Sudder Board of Revenue, North Western Provinces, that he frequently receives perwanahs without any legible mark of the authority by which they are issued; the Board request that a superscription stating in Hindustanee the name and office of the party issuing the order, be recorded upon every perwanah addressed to the Government Vakeel.

No. 6.

LAND REVENUE DEPARTMENT.

To the Revenue Authorities, North Western Provinces.

Agra, the 4th July, 1851.

Resistance of Summary Process.

Directs attention to punishment provided for such resistance.

To obviate misconception as to the Law under which the Revenue Authorities can punish resistance of their process in the Summary Suit Court, the Sudder Board of Revenue, North Western Provinces, are pleased to direct attention to Section 26, Regulation III. of 1803, by which such resistance may be met by a fine, which the Court can levy by the same process by which it is empowered to carry its decrees for sums of money into execution, that is, under Sections 9 and 10, by the sale of the offender's property, or confinement of his person.

2nd. This view has been recognized by the Constructions of the Sudder Dewanny Adawlut, Nos. 615 and 1214.

No. 7.

LAND REVENUE DEPARTMENT.

To Collectors and Officers in Revenue Charge of Districts, North Western Provinces.

Agra, the 11th July, 1851.

Sales in Execution of Civil Decrees.

Directs attention to a Circular of the Sudder Dewanny Adawlut fixing rules for advertising the postponement of Sales.

With reference to their Circular Order No. 1, dated the 5th February, 1847, respecting Sales of Land in execution of Civil Decrees, the Sudder Board of Revenue, North Western Provinces, are pleased to direct the attention of their Subordinate Officers to a Circular issued by the Court of Sudder Dewanny Adawlut, at Agra, No. 814, dated the 2nd June, and published in the *Agra Gazette* of the 17th idem, explanatory of the course which should be pursued in postponing a sale, for which the regular notice has been already issued.

2nd. It will be observed, that where such a Sale is adjourned to any specific date, the fresh notice may be for a shorter period than thirty days; but that in case of re-sale or indefinite postponement, the proclamation must cover the full term of thirty days.

No. 8.

LAND REVENUE DEPARTMENT.

To Commissioners of Revenue, North Western Provinces.

Dated the 30th September, 1851.

Pluviometers.

Board forward Extract from a letter of Captain Thuillier, and enjoin the removal of obstructions from the vicinity of Rain Gauges.

With reference to my letter of the 7th January, 1850, and to intimation received by the Board, that Captain Thuillier has supplied a Pluviometer of superior construction to every Collectorate, I am directed by the Sudder Board of Revenue to subjoin for communication to your subordinates, an Extract from Captain Thuillier's letter, and request that they may be instructed to conform to the directions contained therein.

2nd. The Board are apprehensive that the provisions noted in the last paragraph of this Extract, are not universally observed with carefulness. The gauge should be placed in an open spot: and not only should there be no trees or buildings above it, but there should be none within such a range as to obstruct the drift of the rain towards the gauge from any direction. The particular attention of Collectors and their subordinates should be drawn to this point; and on tours of circuit, you are requested to notice whether these orders are carried out.

3rd. In the Monthly Registers, the height of all the gauges from the ground should be noticed.

Extract Paragraphs 3, 5 *and* 6, *of a letter No.* 73, *dated* 17*th June*, 1851.

FROM CAPTAIN H. L. THUILLIER,

Superintendent Mathematical Instrument Maker's Establishment, Calcutta.

TO THE SECRETARY REVENUE BOARD, NORTH WESTERN PROVINCES.

Paragraph 3. Instead of the Ebony Scale which is fastened into the float, and rises in the Reservoir or Tube, as the contents force it up above zero, a Metal Scale has been substituted, which it is hoped will sustain any fair amount of rough usage. It has been found that on emptying the Tube after an observation is taken, the scale and float have been allowed to drop on the ground, which of course has snapped the very fragile scale of brittle ebony. I would therefore suggest that the following points be brought to the attention of the Collectors of Districts.

1st. Each division on the scale represents one-tenth (or 0·1) of an inch of rain; ten divisions therefore comprise one inch of rain, as duly engraved on the scale. It is sufficient to record observations in inches, and the nearest decimal of an inch.

2nd. After every observation, the reservoir must be emptied. The receiving cup to be first taken off, then the scale and float removed, before the Tube is turned over.

3rd. Before taking an observation, it is necessary to see that the receiving cup fits tightly down on the Tube, so as to bring the zero of the scale in a line with the index of the cup.

5th. The float should occasionally be examined to ascertain if it continues air-tight; if water is found to penetrate, a little resoldering may be necessary.

6th. The stand should be kept on a pucka chubootra, if possible, and the instrument freely exposed. Deposits of sand and dirt to be removed. The height of the receiver above the ground should be also noted.

No. 9.

LAND REVENUE DEPARTMENT.

Agra, the 24th October, 1851.

Irregular Occupation of Nuzzool Land.

Board notice with a view to its prevention, their irregularity of granting or selling Nuzzool land without Government sanction.

Instances having come to the notice of Government, in which Nuzzool lands have been given away, or permission to occupy them granted, without due authority, to private individuals; the Sudder Board of Revenue, North Western Provinces, are pleased to call the attention of the Revenue Authorities to the irregularity of such proceedings, and to remind them that Nuzzool lands being the property of Government, can be granted or sold with the permission of the Government alone, and that no party should be permitted to occupy such lands without the express sanction of Government obtained through the Board.

2nd. Parties making use of Nuzzool or Government land without such sanction, do so at their own risk, and acquire no legal right to remain in occupation of it.

No. 10.

FROM W. MUIR, ESQ.,

Secretary Sudder Board of Revenue, N. W. P.

To the Commissioners of Revenue, Meerut, Dehlie, Agra, Rohilcund, Allahabad, and Benares.

Dated Agra, the 31st of October, 1851.

Revenue.

Sanctioned Partitions.

Requests submission of a quarterly return in the accompanying Form.

I am directed by the Sudder Board of Revenue, North Western Provinces, to request that you will submit to them a quarterly report of all partitions sanctioned by you under the Regulations of Government in the accompanying Form.

2nd. This Form should be supplied from the beginning of the current year, commencing from the 1st May.

STATEMENT of Partitions under Regulations XIX. of 1814, *and IX. of* 1811, *sanctioned by the Commissioner of* ——— *during the* ——— *Quarter of* 185 .

No. of Case.	District.	Pergunnah.	Name of Village.	Jumma.	Area.						Rates.			New Mehals.			Area.						Rates.			
					Total.	Culturable waste and lately abandoned.	Cultivated.			Total Malgoozaree.	On Total area.	On Malgoozaree area.	On Cultivated area.	Number.	Name.	Fractional share.	Jumma.	Total.	Culturable waste and lately abandoned.	Cultivated.			Total Malgoozaree area.	On Total area.	On Malgoozaree area.	On Cultivated area.	Remarks.
							Irrigated.	Unirrigated.	Total.											Irrigated.	Unirrigated.	Total.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28

No. 11.

FROM W. MUIR, ESQ.,

Secretary Sudder Board of Revenue, N. W. P.

To the Commissioners of Revenue in the Meerut, Agra, Rohilcund, Allahabad, Benares, Dehlie, Saugor, and Kumaon Divisions.

Dated Agra, the 28th November, 1851.

Revenue.

Revenue Deposits in Collector's Treasuries.

Rules laid down for the proper administration of this Department.

It has been brought to the notice of the Sudder Board of Revenue, North Western Provinces, that sufficient attention is not turned to the adjustment of items falling under the head of Deposits in the accounts of the Revenue Treasuries.

2nd. The Board therefore, with reference to the Circular of the Accountant No. 258, dated the 24th January, 1850, request your assistance in enforcing the Rules prescribed therein, for preventing the unnecessary accumulation of Cash Deposits, and for adjusting all particulars of old standing.

3rd. You will be pleased to call Half-yearly, on the 1st January and 1st July for the Registers of Deposits in the several Treasuries subject to you, and after due inspection take measures for clearing off all items retained without sufficient reason.

4th. In your Annual Administration Reports, you are also requested to note the total sum in deposit in each Treasury, the number of items, and the dates of the oldest items, and to add your opinion as to whether the Collector has properly attended to this Department.

No. 13.

LAND REVENUE DEPARTMENT.

To all Collectors of Land Revenue.

Dated Agra, the 30th December, 1851.

Summary Suit Cases appealed to the Collector.

Board prescribe Form of Monthly Abstract to be added to Statement No. I.

The Sudder Board of Revenue, North Western Provinces, observe that there exists at present no Statement in which summary suit cases appealed to the Collector are exhibited. To remedy this defect, they are pleased to prescribe that a supplementary abstract in the subjoined form be added to the Monthly Return No. 1. In the column of remarks, the Collector will be careful to specify any cases that may have been pending longer than a month, with the dates of their institution and appeal, and an explanation of the cause of delay. When no appeals are before the Collector, the fact will be certified in a note to Statement No. I.

Abstract of Summary Suit cases appealed to the Collector for the Month of 185 .

Remaining at the close of last month.			*Appealed during the month.*			*Decided during the month.*			*Remaining at close of the month.*			*Statement of cases pending above a month.*
Rent, Revenue or Replevin.	Exaction.	Ouster.	Rent, Revenue or Replevin.	Exaction.	Ouster.	Rent, Revenue or Replevin.	Exaction.	Ouster.	Rent, Revenue or Replevin.	Exaction.	Ouster.	

No. A. of 1851.

From W. MUIR, Esq.,

Secretary to the Sudder Board of Revenue, N. W. P., Agra,

To the Commissioners of the Dehlie, Meerut, Kumaon, Rohilcund, Agra, Allahabad, Benares, and Saugor Divisions.

Dated Agra, the 14th of November, 1851.

Annual Abkaree Settlements.

With reference to enclosed correspondence, Board request he will for the future report immediately on the settlements receiving his approval.

With reference to the enclosed correspondence, I am directed by the Sudder Board of Revenue, North Western Provinces, to request that you will for the future report to the Board all Abkaree Settlements for one year, immediately on their receiving your approval.

Board to Government, No. 80, dated 14th October, 1851.
Government to Board, No. 3860, dated 5th November.

Enclosures.

Copy of Board's address to Government, dated 14th October, No. 80.
Ditto Orders of Government in reply of 5th November, No. 3860.

No. 80.

From W. MUIR, Esq.,

Secretary to the Sudder Board of Revenue, N. W. P., Agra,

To J. THORNTON, Esq.,

Secretary to Government, North Western Provinces.

Dated Agra, the 14th of October, 1851.

I am directed by the Sudder Board of Revenue, North Western Provinces, to acknowledge the receipt of your letter No. 3490, dated the 29th September, respecting Abkaree Settlements for one year, and to observe, that if Commissioners are directed to report such Settlements (which they do not necessarily know) and if it be understood that the Board have the power to modify an objectionable Settlement or even to bring it to the notice of the Government, in that case the Board require no further powers. But under the present system it may, and the Board believe that it does happen occasionally that Settlements quite inadequate are made, of which they know nothing till the results are reported to them too late for amendment in the Administration Reports, by which time possibly an equally objectionable fresh Settlement may be made for another year.

2nd. The Board's object is simply to obtain permission to direct Commissioners to report Abkaree Settlements for one year, in order that they may deal with them if objectionable.

No. 3860.

FROM J. THORNTON, ESQ.,

Secretary to Government, North Western Provinces,

To W. MUIR, ESQ.,

Secretary to the Sudder Board of Revenue, N. W. P., Agra.

Dated Simla, the 5th of November, 1851.

I have the honor to acknowledge the receipt of your letter No. 80, dated 14th ultimo, suggesting for the reasons therein stated that the Board be empowered to direct Commissioners to report to them the particulars of all Abkaree Settlements for one year, and in reply to convey to you the sanction of the Lieutenant Governor to the proposal.

CIRCULAR ORDERS

OF THE

ACCOUNTANT'S OFFICE,

NORTH WESTERN PROVINCES.

FOR 1851.

CIRCULAR No. 268.

Agra, the 14th February, 1851.

To all Officers in charge of Revenue Treasuries in the North Western Provinces.

Government having in the Revenue Department, under date 17th December last, intimated a wish that facilities should be afforded to the members of the Sudder Board of Revenue when on a tour of inspection, to procure from Revenue Treasuries such funds as they may require for their personal expenses, I request that on presentation at your Treasury, by a member of the Sudder Board on circuit, of receipts in duplicate, you will make the required advance debiting the amount to Inefficient Balance, and that you will forward to the Civil Auditor, by the dâk of the day, the duplicate receipt. That Officer, on auditing the Salary Bill of the member of the Board, will direct the Collector from whose Treasury the Bill may be made payable to deduct the amount of the advance, and to give you credit for the same under the head of Revenue Remittances, furnishing you with his receipts in duplicate, when you will relieve your Inefficient Balance of the amount.

CIRCULAR No. 269.

Agra, the 28th February, 1851.

To the Commissioners in the North Western Provinces, and in the Punjab and Trans-Indus Territory.

Several cases have occurred in which Collectors have complained of their inability to carry out the strict injunctions of this Office against holding in Inefficient Balance advances on account of works undertaken from the one per cent. Road Fund, such advances being necessary for their operations. I beg to propose to you a suggestion made by me to the Commissioner of the Dehlie Division with a view to enable the Road Fund Committees under your control, to obtain funds without holding them under Inefficient Balance and swelling that head of account. It is to the effect that

the Committee submit to the Commissioner an estimate of the probable cost of the respective works which they may decide upon undertaking, and that the amount of such estimates after the Commissioner's countersignature be obtained from the Collector, and charged to the Road Fund Deposits, supported by the estimate duly receipted. On the *completion* of the work the *entire amount* of the estimate should be recredited in the Collector's account to the Road Fund, and the actual *bonâ fide* expenditure debited *per contra* against the Fund, on the Bills prescribed in the Accountant's Manual page 74.

2nd. By the adoption of this course the necessity of holding advances in Inefficient Balance will be avoided, and a re-adjustment of them will be effected, and thereby any excess of advance or of expenditure will be finally settled, while at the same time, the surplus or otherwise of the Fund will be correctly shown.

3rd. Should you see no objection to this mode of procedure, you will be pleased to give effect to it by instructing the several Committees and Collectors in your Division accordingly.

4th. Under the practice of holding advances from the Road Fund under Inefficient Balance not only was that head unnecessarily hampered, but a false balance of the Fund was shown in the Memorandum at the foot of the Collector's Treasury Accounts.

CIRCULAR No. 270.

Agra, the 16th May, 1851.

To all Officers in charge of Revenue Treasuries in the North Western Provinces.

Government having been pleased to sanction the issue of Bills to all parties upon the Jubbulpoor Treasury in favour of the Superintendent of the Government School of Industry at that station, for *bonâ fide* payments to be made to that Institution; I have to request that you will, on receiving such applications for such Bills be pleased to comply with them, being careful to indicate in the Bill the Superintendent as the payee thereof, with the purpose for which the bill has been granted, and to cite the date of this letter as your authority for the same. The Bill should of course be issued at ten days' sight.

CIRCULAR No. 271.

Agra, the 28th May, 1851.

To all Officers in charge of Revenue Treasuries in the North Western Provinces, and Punjab and Trans-Indus Territory.

The Sudder Board of Revenue having concurred in opinion with the Accountant on the expediency of subjecting all charges connected with Settlement operations, to monthly audit, I have to request under the sanction of Government, that you will make it a standing rule in your Office to bring all disbursements incurred by you on the above account under *monthly audit*, and to require Officers who are specially appointed on Settlement duty in your district to do the same.

2nd. The strictest attention is necessary to these injunctions to secure the earliest possible adjustment of all Settlement charges, and any inattention to the rule, observed in your Office, will involve a representation to Government.

CIRCULAR No. 272.

Agra, the 23rd July, 1851.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

The President in Council having been pleased, at the recommendation of the Military Board, to authorize Superintending Engineers to issue assignments in favour of Executive Engineers or Officers for contingent works, separately from, but in the same way and under the same rules as assignments are at present drawn for current expenses, I have the honour to request, that you will be good enough to honour all assignments that may be drawn upon your Treasury by the Superintending Engineer of the ————, charging them in your accounts as assignments for current expenses are now charged to the Military or Civil Department as the case may be.

ACTS AND ORDERS

ISSUED IN THE

NORTH WESTERN PROVINCES,

DURING THE YEAR 1852.

Republished from the Agra Government Gazette,

BY ORDER OF

THE HON'BLE THE LIEUTENANT GOVERNOR, NORTH WESTERN PROVINCES.

AGRA:

PRINTED AT THE SECUNDRA ORPHAN PRESS.

1853.

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ACTS AND ORDERS

FOR THE

NORTH WESTERN PROVINCES.

ACTS.

ACT No. V. of 1852.

An Act for giving effect to the provisions of an Act of Parliament, passed in the 15th year of the reign of Her present Majesty, entituled "An Act for Marriages in India."

WHEREAS by an Act passed in the Session of Parliament holden in the fourteenth and fifteenth years of the reign of Her present Majesty, entituled "An Act for Marriages in India," it was enacted (among other things) that it should be lawful for the Governor General of India in Council from time to time, by Laws and Regulations (not inconsistent with the provisions of the said Act of Parliament), to be made in the manner, and subject to the provisions by law required in respect of laws and Regulations made by the said Governor General of India in Council, to provide for the inspection and publication of Notices of Marriage given under the said Act of Parliament, for the custody and protection from injury of Marriage Register Books, for appeals from and references in case of doubt by the Marriage Registrars in relation to Marriages forbidden or protests entered under the said Act of Parliament, for fixing the hours between which Marriages might be solemnized under the said Act of Parliament, for appointing the Officers to whom Certificates were to be transmitted by the Marriage Registrars, and generally for giving effect to the provisions of the said Act of Parliament, it is hereby enacted as follows.

Form of Notice and length of Residence necessary.

I. In every case of Marriage intended to be solemnized in India, after the first day of February next, under the provisions of the said Act of Parliament, one of the parties shall give notice in writing, in the form of Schedule (A.) to this Act annexed, or to the like effect, to any Marriage Registrar of the district within which the parties shall have dwelt for not less than five days, then next preceding, or, if the parties dwell in different districts, shall give the like notice to a Marriage Registrar of each district, and shall state therein the name, and surname, and the profession, or condition of each of the parties intending Marriage, the dwelling place of each of them, and the time, not being less than five days, during which each has dwelt therein, and the Church, Chapel, or other building in which the Marriage is to be solemnized; provided that if either party shall have dwelt in the place stated in the notice during more than one Calendar month, it may be stated therein that he or she hath dwelt there one month and upwards.

Inspection of Notices.

II. The Marriage Registrar shall file all such Notices and keep them with the Records of his Office, and shall also forthwith enter a true copy of all such notices fairly into a book, to be for that purpose furnished to him by the Government, to be called the "Marriage Notice Book," and the Marriage Notice Book shall be open, at all reasonable times, without Fee, to all persons desirous of inspecting the same.

Publication of Notices.

III. The Marriage Registrars, or Registrar of all districts in the British Territories in India, shall respectively publish all such Notices of Marriage given in their respective districts by causing a copy of such Notices to be affixed in some conspicuous place in their respective offices, or, where such Registrars or Ministers of the Christian Religion, ordained or otherwise set apart to the Ministry of the Christian Religion, such Notices shall be affixed in some conspicuous place in the Church or Chapel or place of worship in which such Ministers respectively officiate. When one of the parties intending Marriage (not being a widow or widower) is under twenty-one years of age, every Marriage Registrar shall, within twenty-four hours after the receipt by him of the Notice of such Marriage, send, or cause to be sent, by the Post or otherwise, a copy of such Notice to all the other Marriage Registrars (if any) in the same district, who shall likewise affix the same in some conspicuous place in their own Offices or Chapels as aforesaid.

Suspension of Certificate in the case of Minors.

IV. Where by the oath or declaration required by the sixth Section of the said Act of Parliament, it appears that one of the parties intending Marriage (not being a widow or widower), is under twenty-one years of age, the Marriage Registrar shall not issue his Certificate under the provisions of the second Section of the said Act of Parliament until the expiration of fourteen days after the entry of such notice of Marriage.

Supreme Court may order Registrar to issue his Certificate in less than fourteen days.

V. When one of the parties intending Marriage (not being a widow or widower) is under twenty-one years of age, and both parties intending Marriage are at the time resident in any of the Towns of Calcutta, Madras, or Bombay, and are desirous of being married in less than fourteen days after the entry of such notice as aforesaid, it shall be competent for both parties intending Marriage to apply by petition to the Supreme Court of such Town, or any Judge thereof, for an order upon the Marriage Registrar to whom the notice of Marriage has been given, directing him to issue his Certificate at some time before the expiration of the said fourteen days required by Section IV. of this Act. And it shall be competent to the said Supreme Court, or any Judge thereof, on sufficient cause being shown, in their or his discretion, to make an order upon such Marriage Registrar, directing him to issue his Certificate, at any time to be mentioned in the said order, before the expiration of the said fourteen days required by Section IV.; and the said Marriage Registrar, on receipt of the said order, shall proceed to issue his Certificate in accordance therewith.

Form of Certificate.

VI. The Certificate to be issued by the Marriage Registrar, under the provisions of the second Section of the said Act of Parliament, may be in the form of Schedule B. to this Act annexed, or to the like effect, and the Government of each Presidency or Place shall furnish to every Marriage Registrar, a sufficient number of Forms of Certificate.

Notices and Certificates to be translated to Native Christians.

VII. When any Native Christian about to be married, applies for or tenders a Notice of Marriage, or applies for a Certificate from a Marriage Registrar, such Marriage Registrar shall ascertain whether the said Native Christian understands the English language, and if he does not, the said Marriage Registrar shall translate such Notice or Certificate, or both of them, as the case may be, or shall cause the same to be translated, to such Native Christian, in the language of such Native Christian, or the said Marriage Registrar shall otherwise ascertain whe-

ther such Native Christian is coguizant of the purport and effect of the said Notice and Certificate.

How issue of Certificate may be forbidden.

VIII. Any person authorized in that behalf may forbid the issue of the Marriage Registrar's Certificate, by writing, at any time before the issue of such Certificate, the word "forbidden" opposite to the entry of the Notice of such intended Marriage in the Marriage Notice Book, and by subscribing thereto his or her name and place of abode, and his or her character, in respect of either of the parties, by reason of which he or she is so authorized, and the said word "forbidden," so written and subscribed as aforesaid, shall be deemed a Protest, within the meaning of the seventh Section of the said Act of Parliament.

References by the Registrars in cases of doubt.

IX. In all cases where a Marriage Registrar, acting under the provisions of the fourth Section of the said Act of Parliament, shall not be satisfied that the person forbidding the issue of the Certificate is authorized by law so to do, the said Marriage Registrar shall apply by petition, which may in all cases be on unstamped paper, where the district of such Registrar is within any of the Towns of Calcutta, Madras and Bombay, to the Supreme Court of Judicature in the Presidency or Place within which such district is comprised, or if such district be not within any of the said Towns, then to the Judge of the Zillah or District within which the same is comprised, and the said petition shall state all the circumstances of the case, and pray for the order and direction of the Court concerning the same, and the said Supreme Court, or any Judge thereof, or such Judge of the Zillah or District, shall be empowered to examine into the allegations of the petition and the circumstances of the case in a summary way, and if upon such examination it shall appear that the person forbidding the issue of such Certificate is not authorized by law so to do, such Supreme Court, or any Judge thereof, or such Judge of the Zillah or District, shall declare that the person forbidding the issue of such Certificate is not authorized as aforesaid, and that then and in such case such Certificate shall be issued, and the like proceedings may be had under the said Act of Parliament in relation to such Marriage as if the issue of such Certificate had not been forbidden by such person. And in all cases where a Marriage Registrar, appointed to act within the Territories of any Native Prince or State in alliance with the East India Company acting under the provisions of the sixth Section of the said Act of Parliament, shall not be satisfied that the person forbidding the issue of the Certificate is not authorized by law so to do, the said Marriage Registrar shall transmit a statement of all the circumstances of the case, together with all documents and papers relating thereto, to the Governor General of India in Council, and if it shall appear to the said Governor General of India in Council that the person forbidding the issue of such Certificate is not authorized by law so to do, the said Governor General of India in Council shall declare that the party forbidding the issue of such Certificate is not authorized as aforesaid, and that then and in such case such Certificate shall be issued, and the like proceedings may be had under the said Act of Parliament in relation to such Marriage, as if the issue of such Certificate had not been forbidden by such person.

Appeal where Registrar in Allied Native State refuses Certificate.

X. In all cases whatsoever where a Marriage Registrar resident in the Territories of any Native Prince or State in alliance with the East India Company has refused to issue his Certificate, it shall be lawful for either of the parties intending Marriage to apply by petition to the Governor General of India in Council, and the said Governor General of India in Council shall be empowered to examine the

allegations of the petition in a summary way, and shall decide thereon, and the decision of the said Governor General of India in Council shall be final, and the Marriage Registrar, to whom the application was originally made, shall proceed in accordance therewith.

Hours for Marriages.

XI. Every Marriage solemnized under the provisions of the said Act of Parliament shall be so solemnized between the hours of six in the morning and seven in the evening.

Declarations made at the Marriage to be translated to Native Christians.

XII. When any Native Christian is married under the provisions of the said Act of Parliament, the party solemnizing the said Marriage shall ascertain whether such Native Christian understands the English language, and if he does not, the party solemnizing the said Marriage shall, at the time of the solemnization thereof, translate, or cause to be translated, to such Native Christian, in the language of such Native Christian, both the declarations made at such Marriage in pursuance of Section IX. of the said Act of Parliament.

Proof as to Notice, Certificate, or Hours of Marriage, &c., not necessary to establish Marriage.

XIII. After any Marriage has been solemnized under the said Act of Parliament it shall not be necessary, in support of such Marriage, to give any proof in respect of the Notice of Marriage, or the Certificate, or the translation thereof respectively, or in respect of the hours between which any Marriage may be solemnized, or in respect of the said translations of the said declarations in Section IX. of the said Act of Parliament contained, nor shall any evidence be given to prove the contrary, in any suit touching the validity, of such Marriage.

Penalties.

XIV. Every Marriage Registrar who shall knowingly and wilfully issue any Certificate for Marriage after the expiration of three calendar months after the Notice shall have been entered by him as aforesaid, or who shall knowingly and wilfully issue without the order of a competent Court authorizing him so to do, any Certificate for Marriage where one of the parties intending Marriage (not being a widower or widow) is under twenty-one years of age before the expiration of fourteen days after the entry of such Notice, or any Certificate the issue of which shall have been forbidden as aforesaid by any person authorized to forbid the issue thereof, shall be guilty of felony. And every person who shall knowingly and wilfully solemnize any Marriage under the provisions of the said Act of Parliament in the absence of a Registrar of the District in which such Marriage is solemnized, or who shall knowingly and wilfully solemnize any Marriage where one of the parties to such Marriage (not being a widower or widow) is under twenty-one years of age within fourteen days after the entry of the Notice of Marriage, no order for the issue of a Certificate in less than fourteen days having been made by a competent Court, shall be guilty of felony.

Certificates of Marriages in Allied Native States to be transmitted to Secretary, &c.

XV. The Marriage Registrars in the Territories of any Native Prince or State in alliance with the East India Company shall transmit the certificates mentioned and referred to in the twelfth Section of the said Act of Parliament to the Secretary for the Foreign Department of the Government of India.

Punishment for making false oath or declaration.

XVI. Every person who shall knowingly and wilfully make any false oath or declaration, or sign any false Notice or Certificate required by the said Act of Parliament or this Act, for the purpose of procuring any Marriage, and every person who shall forbid the issue of a Marriage Registrar's Certificate, by falsely representing himself or herself to be a person whose consent to such Marriage is required by law, knowing such representation to be false, shall, on conviction, suffer the penalties of perjury.

XVII. Every prosecution under this Act shall be commenced within the space of two years after the offence committed.

Limitation of Prosecution.

XVIII. The Governor General of India in Council may appoint any Covenanted or Uncovenanted Servant of the Company, being a Christian, or any Minister of the Christian religion, ordained, or otherwise set apart to the Ministry of the Christian religion, according to the usage of the persuasion to which he may belong, to be a Marriage Registrar in any District, to be assigned by the Governor General of India in Council in any place within the Territories of any Native Prince or State in alliance with the East India Company. And the said Marriage Registrar shall be entitled to receive the following fees; that is to say, for receiving each Notice of Marriage, one rupee, for publishing each Notice of Marriage, two rupees, for the issuing of each Certificate, five rupees, for every Marriage forbidden or Protest entered, ten rupees, and for registering each Marriage, three rupees, and all such fees shall be accounted for and paid over by the Marriage Registrar to the Government Treasury as in the said Act of Parliament mentioned. Provided always, that in any case in which it shall appear to the satisfaction of the Marriage Registrar, that the parties intending marriage, or married, under the provisions of the said Act of Parliament, are in indigent circumstances, it shall and may be lawful for the said Marriage Registrar, in his discretion, to remit some part, but not more than three-fourths, of the said fees respectively, and in each and every such case of remission of fees, the Marriage Registrar shall report the circumstances thereof, and the grounds on which the remission is made, for the information of the Governor General of India in Council.

Appointment of Registrars in Allied Native States, and as to their fees.

XIX. It shall be lawful for the Government of each Presidency or place to pay any one Marriage Registrar of Calcutta, Madras and Bombay, or of any other district where a considerable number of person likely to avail themselves of this Act are resident, such salary as they shall think fit, not exceeding the sum of Co.'s Rs. fifty per month.

Salaries of Registrars.

XX. When there is only one Marriage Registrar in a district, and such Registrar is absent from such district, or ill, or in case of the death of the only Marriage Registrar in a district, or of any temporary vacancy in such office, the Magistrate of such district shall act as, and be, Marriage Registrar thereof, during such absence, illness, or temporary vacancy as aforesaid.

Provision in case of illness, &c., of Marriage Registrar.

XXI. Every Marriage Registrar, or other person who shall have the custody for the time being of the Register of Marriages under this Act, shall at all reasonable times allow searches to be made of any Register Book in his custody, and shall give a copy, certified under his hand, of any entry or entries in the same, on the payment of the fees hereinafter mentioned, (that is to say) for every search extending over a period of not more than one year, the sum of one rupee, and four annas additional for every additional year, and the sum of one rupee for every single Certificate, and all such fees shall be accounted for and paid over by the Marriage Registrar to the Government Treasury.

Searches may be made and Certificates given.

XXII. Every person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such Register Book, or the counterfoil Certificates thereof, or any part or certified copy thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of such Register Book, or of such counterfoil Certificates, or of certified copies thereof, or shall wilfully insert, or

Penalty for destroying or falsifying Register Book, &c.

cause to be inserted, in any Register Book, or counterfoil copy or certified copy thereof, any false entry of any Marriage, or shall wilfully give any false Certificate or shall certify any writing to be a copy or extract of any Register Book, or counterfoil copy thereof, knowing the same Register Book or counterfoil copy to be false in any part thereof, shall be guilty of felony.

Accidental errors may be corrected.

XXIII. Any person charged with the duty of registering any Marriage, who shall discover any error to have been committed in the form or substance of any such entry, may, within one calendar month next after the discovery of such error, in the presence of the parties married, or, in case of their death or absence, in the presence of two other credible witnesses, who shall respectively attest the same, correct the erroneous entry according to the truth of the case, by entry in the margin without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made, and he shall make the like marginal entry, attested in the like manner, in the counterfoil Certificate thereof, to be made by him as in the said Act of Parliament mentioned, and in case such counterfoil Certificate shall have been already transmitted to the Secretary of Government of the Presidency or Place within which he resides, he shall make and transmit in like manner a separate counterfoil Certificate of the original erroneous entry, and of the marginal correction therein made.

Certain Registers of Marriage may be kept as heretofore.

XXIV. Nothing in this Act contained shall be construed to extend to the Registration of Marriages which may be solemnized in India by persons in Holy Orders, or under the provisions of the Act of the 58th year of King George the Third, Chapter 84, or to the Registration of any Marriage solemnized between any two persons professing the Jewish religion, and nothing herein contained shall affect the right of any Officiating Minister to receive the fees now usually paid for the performance or registration of any Marriage.

Petitions to be on unstamped paper.

XXV. All petitions presented in pursuance of Section V. of the said Act of Parliament, may be so presented on unstamped paper.

Commencement of Act.

XXVI. This Act shall commence and take effect from and after the first day of February 1852.

SCHEDULE (A.)

NOTICE OF MARRIAGE.

To *Mr. John Cox*, a Registrar of the District of *Calcutta* in *Bengal*.

I hereby give you Notice, that a Marriage is intended to be had, within three Calendar Months from the date hereof, between m and the other party herein named and described.

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel, or place of worship, or building in which Marriage is to be solemnized.	District in which the other party resides when the parties dwell in different Districts.
James Smith,	*Widower,*	*Carpenter,*	*Of Full Age,*	16, *Clive Street,*	23 *Days,*	*Union Chapel, Dhurramtollah,*	
Martha Green	*Spinster,* ...	... .	*Minor,*.....	20, *Hastings' Street,*	*More than a Month*		

Witness my Hand this 6th Day of *May, One Thousand Eight Hundred and Fifty-two.*

(Signed) *James Smith*

(The *Italics* in this Schedule to be filled up as the case may be, and the Blank division thereof is only to be filled up when one of the parties lives in another District.)

SCHEDULE (B.)

REGISTRAR'S CERTIFICATE.

I, *John Cox*, a Registrar of the District of *Calcutta* in *Bengal*, do hereby Certify, that on the *6th* day of *May*, Notice was duly entered in my Marriage Notice Book of the said District of the Marriage intended between the parties therein named and described, delivered under the hand of *James Smith*, one of the parties, (that is to say)

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel, place of worship, or building in which the Marriage is to be solemnized.	District in which the other party dwells when the parties dwell in different Districts.
James Smith	*Widower*, ...	*Carpenter*,	*Of Full Age*,	16, *Clive Street*, ...	23 *Days*, ...	*Union Chapel, Dhurrumtollah.*	
Martha Green	*Spinster*, ...	.....	*Minor*, ...	20, *Hastings' Street*,	*More than a Month.*		

Date of Notice entered *6th May* 1852. Date of Certificate given *20th May* 1852. } The Issue of this Certificate has not been forbidden by any Person authorized to forbid the issue thereof.

Witness my hand this *Twentieth* Day of *May, One Thousand Eight Hundred and Fifty-two.*

(Signed) *John Cox*, Registrar.

This Certificate will be void unless the Marriage is solemnized on or before the *6th* day of *August* 1852.

(The *Italics* in this Schedule to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another District.)

The 16th January 1852.

ACT No. VIII. OF 1852.

An Act for remunerating the Sheriffs of Calcutta, Madras, and Bombay for the execution of Mofussil Process under Act XXIII. of 1840.

FOR making better provision for the Sheriffs of Calcutta, Madras and Bombay, in remuneration for the execution of legal process issued by Courts out of the said towns respectively, It is enacted as follows:

I. The several Sudder Courts of the Presidency of Fort William in Bengal, and the Sudder Courts of the Madras and Bombay Presidencies respectively, shall make, and from time to time amend, a table of reasonable fees, to be taken on account of the execution by the Sheriff in such Presidency of any legal process issued by any Court, Judge or Magistrate, beyond the jurisdiction of the several Supreme Courts established by Royal Charter in Calcutta, Madras and Bombay, and of the sums to be allowed for costs of advertisements, or other notifications of sales of property, according to the amount of the decrees to be satisfied by such sales, which fees and sums shall be payable by the party applying for the process before it is sent to the Sheriff for execution, and shall be deemed costs in the cause.

II. The said table of fees and sums, when made or amended as aforesaid, shall be submitted by the Sudder Court of the Lower Provinces of the Presidency of Fort William to the Governor of Bengal, and by the Sudder Court of the North Western Provinces of the said Presidency to the Lieutenant Governor of those Provinces, and by the Sudder Courts of Madras and Bombay respectively to the Governor in Council of the Presidencies in which such Courts respectively have jurisdiction, for his approval, and the said table of fees and sums shall have full force and effect, and the fees and sums therein mentioned may be lawfully demanded and taken from and after

the approval thereof by the said Governor, Lieutenant Governor or Governor in Council, as the case may be.

III. Every such Court, Judge and Magistrate issuing process as aforesaid shall cause a separate account to be kept, of the amount of all fees and sums so paid, and shall, from time to time, as directed by Government, cause the amount thereof to be paid into the local treasury.

IV. The Government of each of the Presidencies and Provinces aforesaid shall twice in each year account for and pay over to the Sheriff, for the time being, the amount of fees and sums so paid, after deducting all necessary expenses of receiving and keeping account thereof, and remitting the nett proceeds thereof to Calcutta, Madras or Bombay, as the case may be; or, where the amount has accrued in the shrievalty of more than one Sheriff, shall apportion the sum paid accordingly between the Sheriff for the time being, and the then late Sheriff.

V. The said Governments respectively may compound with the Sheriff for a monthly payment to be made to him instead of such fees and sums, and during such composition may appropriate the said fees and sums to the purposes of Government.

VI. Over and above such fees and sums, or any such monthly payment received instead of such fees and sums, the Sheriff shall be entitled to a fee after the rate of Two Rupees Eight Annas for each hundred Rupees of the value of any goods or property taken and sold by him in execution of any process issued by any Court, Judge or Magistrate beyond the local jurisdiction of the said Supreme Courts, which fee shall be taken to cover all expenses connected with the seizure and sale, except the expense of advertisements.

VII. No fee, estimated upon the amount of the sum for which any person is taken in execution, shall be payable to the Sheriffs of Calcutta, Madras or Bombay, or any of their Bailiffs, for taking the body of any person in execution on any process issued by any Court, Judge or Magistrate out of the local jurisdiction of the said Supreme Courts respectively; but instead thereof, such fees shall be payable to the Sheriff for taking the body of any person in execution of any such process as shall be settled, from time to time, by the Sudder Court as aforesaid.

VIII. If any person taken in execution on any such process shall escape out of the legal custody of the Sheriff, the Sheriff shall not be liable to an action of debt for such escape, but shall be liable only to an action upon the case for damages in consequence of such escape sustained by the person or persons at whose suit the prisoner was taken.

The 6th February 1852.

ACT No. IX. OF 1852.

An Act to repeal Regulation I. of 1832, *of the Bengal Code.*

WHEREAS a tract of land situated near the town of Bithoor, in the district of Cawnpore, was granted by the British Government as a jagheer during pleasure to the Maharajah Bajee Rao Behadoor; and whereas by Regulation I. of 1832 of the Bengal Code, it was (among other things) enacted, that from and after the passing of that Regulation, the jurisdiction of the Courts of Civil and Criminal Judicature, and the operation of the general Regulations, should not extend to the tract of land aforesaid, and that the said Maharajah should exercise the Civil and Criminal administration of the jagheer, subject to such control as therein mentioned; and whereas the said Maharajah Bajee Rao died on the 28th day of January 1851, and it is now expedient to repeal the said Regulation I. of 1832; it is declared and enacted as follows:

I. Regulation I. of 1832, of the Bengal Code, is hereby repealed.

II. The said tract of land being part of the district of Cawnpore, all Laws and Regulations now in force within such district, shall be in force in the said tract of land.

III. All cases, Civil or Criminal, in which the cause of action arose, or the offence was committed, within the said tract of land before the passing of this Act, may be tried and determined by the Courts of the said district of Cawnpore, and the general Laws and Regulations now in force in such district may be applied and administered by the said Courts in the trial and determination of such cases; but if in any case it shall appear that the application of the said Laws and Regulations would operate unjustly if applied to the trial and determination of such case, it shall be lawful for such Courts to try and determine the same according to equity and good conscience.

IV. Provided always, that no Court shall try or determine any case, Civil or Criminal, with respect to which a final decision may have been pronounced previous to the said 28th day of January 1851, by any Court or person within the said tract of land, having at the time of such decision, lawful power and authority to pronounce it.

The 6th February 1852.

ACT No. XXII. OF 1852.

To avoid doubts as to the validity of certain decisions in Summary Suits for Arrears of Rent and of certain Sales of Putnee Talooks and other saleable tenures.

WHEREAS by Regulation VIII. of 1831 of the Bengal Code the hearing and decision of summary suits or claims relating to arrears or exactions of rent were transferred from the Judges of the Zillah or City Courts to the Collectors of the several Districts; and whereas, by Regulation VII. of 1832 of the Bengal Code, the superintendence of the sales of Putnee Talooks and other saleable tenures of the class specified in Clause 1, Section VIII. Regulation VIII. of 1819 of the same Code, was transferred to the Collector or Deputy Collector of Land Revenue, or Head Assistant to the Collector or Deputy Collector, subject to an appeal as therein provided; and whereas by Act VIII. of 1835 the conduct of sales of Talooks or other saleable tenures in execution of summary decrees for rent, in conformity with Regulation VII. of 1799 of the same Code, was transferred to the Collectors of Land Revenue; and whereas doubts have been entertained in some instances as to the District within which such summary suits or claims should have been decided, and such sales made, by reason that the jurisdiction of the several Zillah and City Courts is not conterminous with the jurisdiction of the several Collectors of Land Revenue, It is enacted as follows:

I. No order or decision already made in any such summary suit, and no such sale as aforesaid, already made, which has not been questioned before a Court of competent judicature before the passing of this Act, on the ground of having been decided or made by a Collector of Land Revenue, his deputy or duly authorized Assistant, having no jurisdiction therein, shall be liable to be annulled or disputed on that ground.

The 30th April 1852.

ACT No. XXIV. of 1852.

For amending and explaining Act XIV. 1839, *and for the better prevention of crimping.*

For the amending and better understanding of Act XIV. 1839, and for the better prevention of the offence of crimping as hereinafter defined, It is declared and enacted as follows:

I. Any person who, by force or fraud, unlawfully detains in any place or decoys to any place any Native of India, with intent to force or prevail upon him to enter into any service, or contract for service, to be performed out of the Territories under the Government of the East India Company, into which he was not minded to enter, without such force or fraud, or who, by means of false imprisonment, intoxication, intimidation, force or fraud, causes any Native of India to enter into any such service or contract for service, or who attempts, by force or fraud, or by any false promise, pretence or representation, to cause any Native of India to depart either by land or water from the Territories under the Government of the East India Company, is a crimp, and guilty of crimping, within the meaning of this Act.

II. The departure of any person out of the Territories under the Government of the East India Company, by land or water, is Emigration from the said Territories within the meaning of Act XIV. 1839, and of this Act.

III. After the passing of this Act, no person shall be liable to the penalties of Act XIV. 1839, for making, in good faith, any contract with any Native of India, for labour to be performed in any Foreign Settlement on the mainland of India, or for knowingly abetting or aiding any Native of India in emigrating from the said Territories to any such Foreign Settlement. Provided that if any person shall make any contract with any Native of India for service or labour to be performed by such Native out of the Territories under the Government of the East India Company, or cause any Native of India to depart from the Territories under the Government of the East India Company, or knowingly aid or abet such Native of India in emigrating from the said Territories to any such Foreign Settlement, with intent that such Native shall afterwards depart from India, such person shall be deemed to be a crimp, and guilty of crimping, within the meaning of this Act, and proof of the subsequent departure of such Native from India, from any place out of the Territories under the Government of the East India Company within the period of six months from the time of the departure of such Native from the said Territories under the Government of the East India Company, shall be *primâ facie* evidence of such intent.

IV. Every crimp, within the meaning of this Act, is liable to be imprisoned for a term not exceeding six calendar months, and to pay a fine not exceeding five hundred rupees.

V. Every person who shall, by means of intoxication, false imprisonment, or intimidation, or by means of any false promise, pretence or representation, force or decoy any Native of India out of the Territories under the Government of the East India Company, or fraudulently cause any such Native to depart from the said Territories, shall be liable to be imprisoned for a term not exceeding three years.

VI. In every case in which under this Act imprisonment may be awarded for any offence, it shall be lawful for the Court who may award such imprisonment, to sentence the offender to be kept to hard labour during the whole, or such period or periods, of such imprisonment as to such Court shall seem meet.

VII. In every case in which an offender shall be liable to be imprisoned under Section II. of Act No. XIV. of 1839, such offender shall be liable to be imprisoned, or imprisoned and kept to hard labour, for a term not exceeding three months for

every Native contracted with, provided that such imprisonment shall not in any case exceed six months for any one offence.

VIII. In every case in which any person shall commit an offence under Section II. of Act XIV. 1839, as explained and amended by this Act, after having been previously convicted, either before or after the passing of this Act, of an offence under that Section, such person shall be liable, upon conviction before a Criminal Court of competent jurisdiction, to be imprisoned, or imprisoned and kept to hard labour, for any period not exceeding one year, and in every indictment, information or other proceeding for such an offence committed after such previous conviction, it shall be sufficient, after describing the offence, to state that the offender was at a certain time and place convicted of an offence under Section II. of Act XIV. 1839, without otherwise describing such previous offence or conviction, and a certificate of the previous conviction, purporting to be signed by the Officer having the custody of such previous conviction, or by the Deputy or legally authorized Assistant of such Officer, shall, with proof of the identity of the person of the offender, be sufficient *primâ facie* evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed such certificate.

IX. The term "Magistrate" in Act XIV. 1839 shall extend to Joint Magistrates and persons lawfully exercising the powers of a Magistrate.

The 14th May 1852.

ACT No. XXV. OF 1852.

An Act for the execution of decrees made in appeal by Her Majesty in Council, or by the Courts of Sudder Dewanny Adawlut and of the Zillah and City Judges in the Presidency of Fort William in Bengal.

WHEREAS it is expedient to amend the law relating to the execution of decrees made and passed in appeal by Her Majesty in Council, and by the Courts of Sudder Dewanny Adawlut and of the Zillah and City Judges in the Persidency of Fort William in Bengal, It is hereby enacted as follows:

I. Every decree or order in appeal of Her Majesty in Council, or of any Court of Sudder Dewanny Adawlut, or of any Zillah or City Judge which shall be made after the passing of this Act, and also every such decree or order in appeal which has been made before the passing of this Act, and for the execution or enforcement whereof no petition has been presented, shall be enforced and executed by the Court which made the first decree or order appealed from, in the manner and according to the rules and laws applicable to the execution and enforcement of original decrees or orders made by such last mentioned Court.

II. Any party desirous of enforcing or obtaining execution of any such decree or order made in appeal as aforesaid, shall present a petition for that purpose to the Court which made the first decree or order appealed from, and the said petition shall be accompanied by a certified copy of the decree or order made in appeal, and sought to be enforced or executed.

III. An appeal shall lie from any decree or order made by such last mentioned Court relating to the enforcement or execution of any such decree or order made in appeal as aforesaid in the same manner and subject to the same laws, rules and regulations as an appeal from an order or decree made upon a petition for the enforcement or execution of the decree or order first appealed from, would have been.

IV. Nothing herein contained shall be construed so as to prevent any Court of Sudder Dewanny Adawlut from enforcing or obtaining execution of a decree or order

made or passed by Her Majesty in Council, if Her Majesty in Council shall think fit to decree or order the said said Court of Sudder Dewanny Adawlut to enforce or execute the same.

V. The provisions of Section VIII. Act XXV. 1837 of the Bengal Code shall extend to proceedings under this Act.

VI. This Act shall apply only to the Presidency of Fort William in Bengal.

The 14th May 1852.

ACT No. XXVI. OF 1852.

An Act to amend the mode of procedure in the Courts of the Sudder Ameens and Moonsiffs in the Presidency of Fort William in Bengal, and to extend the powers of Principal Sudder Ameens in appeals referred to them.

WHEREAS it is desirable that the mode of procedure in original suits in the Courts of the Sudder Ameens and Moonsiffs in the Presidency of Fort William in Bengal, should be assimilated to the mode of procedure in such suits in the Courts of the Judges and Principal Sudder Ameens, and whereas it is desirable to extend to Principal Sudder Ameens power to issue an injunction for the revision of an original decision according to Clause 2, Section II., Regulation IX. 1831, in regard to appeals referred to them, It is hereby enacted as follows:

I. Sections XIX., XXI., XXII., XXIV., XXVII., XXIX., XXXV., and XXXVII. Regulation XXIII. 1814, and Clauses 1, 2, 3 and 5, Section XXV. of the same Regulation, and Section LXXIII. of the same Regulation, so far as it extends Clauses 1, 2, 3 and 5, Section XXV., and Section XXXV. of the same Regulation, to Sudder Ameens, Clause 5, Section V., and Clause 3, Section XV., Regulation V. 1831, and so much of Clause 3, Section VIII. of the said Regulation V. 1831, as relates to the Clauses and Sections of Regulation XXIII. 1814, hereinbefore mentioned, and Section VI. of the said Regulation V. 1831, except in so far as it rescinds Sections LVII., LVIII., and LIX. of the said Regulation XXIII. of 1814, are hereby repealed.

II. All laws and rules now in force relating to the mode of procedure in the trial and decision of original Civil Suits in the Courts of the Judges and Principal Sudder Ameens, shall also apply to and regulate the mode of procedure in the trial and decision of original Civil Suits in the Courts of the Sudder Ameens and Moonsiffs.

III. Sections XIII. and XXI., Regulation III. 1793, Sections VII. and XI., Regulation VII. 1795, Sections XVII. and XIX., Regulation II. 1803, Sections VIII. and IX., Regulation VII. 1832, as extended by Act XXI. 1850, shall be applicable to suits and cases in the Courts of the Moonsiffs. Clause 2, Section IV., Regulation XXVI. 1814, relating to reviews of judgment shall also be applicable to the Courts of Sudder Ameens and Moonsiffs. Provided always, that if a Sudder Ameen or Moonsiff shall be of opinion that a review of his judgment ought to be granted, he shall report the case to the Judge, who is hereby authorized to permit such review under the same rules as are prescribed by the existing Regulations with respect to similar applications to the Court of Sudder Dewanny Adawlut.

IV. Every Sudder Ameen and Moonsiff shall have power and authority to try suits in which any Vakeel or Officer of his Court is a party, any thing in Section VIII., Act VI. 1843, and in Clause 2, Section XV., Regulation V. 1831 to the contrary notwithstanding; and suits under Clause 1, Section XXX., Regulation II. 1819 may be referred to them by the Zillah Judge for trial and decision under the

restrictions as to local jurisdiction and value of property mentioned in Clauses 1, 2 and 3, Section V., and Clause 2, Section XV., Regulation V. 1831.

V. Nothing in this Act contained shall be construed so as to repeal or otherwise affect the rules regarding the dispensing with the use of stamp paper on certain documents in the Courts of the Moonsiffs contained in Clause 2, Section IX., Regulation V. 1831, or the rules for procuring the attendance of witnesses in the Courts of the Moonsiffs contained in Section II., Act XVII. 1845.

VI. Applicants for execution of decrees may file with their petitions an authenticated copy of the decree, of which execution is sought to be taken out, and in such case it shall not be necessary to compare the petition with the decree contained in the original record of the suit, any thing in Clause 7, Section XV., Regulation XXVI. 1814, to the contrary notwithstanding.

VII. Original suits referred to a Sudder Ameen under Clause 2, Section XV., Regulation V. 1831, shall be tried and determined in conformity with the provisions of Regulation XXIII. 1814, and of this Act, any thing in Clause 3, Section XV., Regulation V. 1831, to the contrary notwithstanding.

VIII. Nothing in this Act contained shall be construed to affect the mode of procedure in any case pending in the Courts of the Sudder Ameens and Moonsiffs at the time of the passing of this Act, but the mode of procedure in all such cases shall be governed by the law in force previous to the passing of this Act.

IX. The powers given to Zillah and City Judges, by Act VII. 1838, to issue an injunction for the revision of an original decision which has been found erroneous or insufficient according to Clause 2, Section II., Regulation IX. 1831, are extended to Principal Sudder Ameens in regard to all appeals referred to them.

X. This Act shall be deemed to extend only to the Bengal Presidency, and to refer only to the Regulations of the Bengal Code.

The 14th May 1852.

ACT No. XXX. OF 1852.

An Act for the Naturalization of Aliens.

WHEREAS it is expedient to provide for the Naturalization of Aliens resident in the Territories under the Government of the East India Company, It is enacted as follows:

I. Any person whilst actually residing in any part of the territories under the Government of the East India Company may present a memorial to Government, praying that the privileges of Naturalization may be conferred upon him.

II. Such memorial shall state to the best of the knowledge and belief of the memorialist, his age, place of birth, place of residence, profession, trade or occupation, the length of time during which he has resided within the said territories, that he is settled in the said territories, or is residing within the same with intent to settle therein, and any other particulars which the Government may require to be stated therein, and such memorial shall be in writing and signed by the memorialist, and accompanied by an affidavit sworn by him, verifying the truth of the statements contained therein.

III. The memorial shall be considered by the Government to whom it shall be presented, who shall inquire into the circumstances of the case, and may require such evidence either by affidavit or otherwise as they may deem proper in addition to the beforementioned affidavit of the memorialist to prove the truth of the statements contained in such memorial.

IV. The Government may, if they shall think fit, issue a certificate in writing reciting such of the contents of the memorial as they may consider to be true and material, and granting to the memorialist all the rights, privileges and capacities of Naturalization under this Act, except such rights, privileges or capacities, if any, as may be specially excepted in such certificate.

V. The certificate shall be delivered to the memorialist; and a copy or duplicate thereof, together with the memorial upon which the same shall be obtained, and any affidavit, which may accompany such memorial or be produced in support thereof, shall be filed by the Secretary to the Government, or such other officer as the Government may direct; and such Secretary or officer shall keep an alphabetical list of all persons who may be naturalized by such Government.

VI. If any material statement contained in such memorial shall be false, the Government may, if they think fit, by an order in writing, declare the certificate issued upon such memorial to be null and void to all intents and purposes, except such purposes, if any, as may be specially excepted in such order; and from and after such order all the rights, privileges and capacities derived through such certificate shall cease to exist.

VII. Such fees shall be payable in respect of the proceedings hereby authorized as shall be fixed by the Government.

VIII. Upon obtaining such certificate, and taking and subscribing the oath as hereinafter prescribed, the memorialist shall within the said Territories under the Government of the East India Company be deemed a natural born subject of Her Majesty as if he had been born within the said territories, and shall be entitled within the said territories to all the rights, privileges and capacities of a subject of Her Majesty born within the said territories, except such rights, privileges and capacities, if any, as may be specially excepted in such certificate.

IX. Nothing in this Act contained shall be construed so as to deprive the Courts of the East India Company of jurisdiction over any such naturalized person, or to give to the Courts of Her Majesty any jurisdiction over any such person not otherwise subject to such jurisdiction.

X. Within sixty days from the day of the date of such certificate, the memorialist named in such certificate shall take and subscribe the oath contained in the Schedule annexed to this Act.

XI. Such oath, as well as any other oath or affidavit required by this Act, may be administered by any Magistrate or Justice of the Peace within the limits of his jurisdiction, or by any other person to be appointed for that purpose by Government, and the person who shall administer the oath mentioned in the Schedule to this Act annexed shall grant to the memorialist a certificate in writing of his having taken and subscribed such oath, and of the date of his taking and subscribing the same, and shall forward to the Government the oath so taken and subscribed together with a duplicate of such certificate, which oath and duplicate certificate shall be filed and kept with the memorial.

XII. The word "Government" in this Act shall be deemed to mean the person or persons for the time being lawfully entitled to administer the executive Government in that part of the said territories in which the memorialist shall reside at the time of presenting such memorial. The word "Magistrate" shall include any person lawfully exercising the powers of a Magistrate, and words denoting the masculine gender shall include the feminine.

XIII. In every case in which the word "oath" or "affidavit" is used in this Act, an affirmation to the same effect as the oath or affidavit required shall be sufficient in cases where the person required to make such oath or affidavit shall be a per-

son allowed by law to affirm in civil cases, and in every such case such affirmations shall be made before the person authorized to administer the oath, and the word "oath" or "affidavit" wherever used in this Act shall include such affirmation.

SCHEDULE.

OATH.

I, A. B., of *(here state the description of the party)* do swear *(or being one of the persons allowed by law to affirm in civil cases,* do affirm), that I will be faithful and bear true allegiance to the Sovereign of the United Kingdom of Great Britain and Ireland, and of these territories as dependent thereon, and that I will be true and faithful to the East India Company.

The 16th July 1852.

ACT No. XXXI. OF 1852.

An Act to repeal Clause 17, *Section XVI., Regulation XX.* 1817 *of the Bengal Code.*

WHEREAS it is not expedient that Darogahs or other Police Officers should be entitled to a Commission on the value of property stolen or plundered which they may recover, It is hereby enacted as follows:

I. Clause 17, Section XVI., Regulation XX. 1817 of the Bengal Code is repealed.

The 13th August 1852.

ACT No. XXXII. OF 1852.

An Act to facilitate the prosecution of certain Ministerial and Police Officers for certain Criminal Acts.

WHEREAS it is expedient to enable the local Governments, and the head officers of Departments of offices under Government, to prosecute their subordinate ministerial or police officers for acts of corruption, extortion, embezzlement or other malversation, whether or not any charge be preferred by an aggrieved private party in respect of such acts, It is enacted as follows:

I. Whenever the local Government, or the head officer of a department or office under Government, shall be of opinion that there are good grounds for making a public enquiry into the truth of any imputation of corruption, extortion, embezzlement, or other malversation committed at any time during tenure of office, by any ministerial or police officer, subject to the jurisdiction of the Courts of the East India Company, and subordinate to such Government, or employed in such department or office, as the case may be, it shall be lawful for such Government, or any such head officer as aforesaid, to prosecute such officer on the part of Government in a Criminal Court, or to nominate some person to conduct such prosecution; and it shall also be lawful for such Government, or head officer as aforesaid, in their or his discretion, to undertake on the part of Government the prosecution in a Criminal Court of any such charge, as aforesaid, which may be brought by an aggrieved private party against any such ministerial or police officer, and such prosecutions as aforesaid shall not be barred, or effected, by reason of the party prosecuted having ceased to be in the service of Government at the time at which the charge may be brought against him.

II. Provided always that no Collector, Magistrate, nor head of an office in the Salt, Abkarree, or Customs Department under the grade of Commissioner, shall commence or undertake a prosecution under this Act, until he shall have obtained the permission of the Court, Board, or officer to whom he is immediately subordinate, to institute the same.

III. No Collector, Magistrate, Judge, or other officer, who may prosecute any officer under this Act, or cause such prosecution to be instituted, or who may conduct any preliminary investigation into the conduct of such officer connected with such prosecution, nor any of his deputies, assistants, or subordinate officers, shall act as Judge in any such prosecution.

IV. Nothing herein contained shall be construed so as to repeal or otherwise affect Regulations IX. 1822 and VII. 1828, of the Madras Code, and Act XXXVI. 1837, and the said Regulations and Acts shall remain in full force with respect to the malversations and offences in the Revenue Department to which they are applicable.

The 20th August 1852.

ACT No. XXXIII. OF 1852.

An Act to facilitate the enforcement of judgments in places beyond the jurisdiction of the Courts pronouncing the same.

I. EVERY party, who shall have obtained a judgment in any Court of Her Majesty, or of the East India Company, in any part of the territories under the Government of the East India Company, or in any Court established by the authority of the Governor General of India in Council in the territory of any foreign Prince or State, and who shall be unable to enforce or obtain satisfaction of the same by execution within the jurisdiction of such Court, may enforce or obtain execution of the same in any part of the said territories under the Government of the East India Company in manner following:

II. The party may apply to the Court, which shall have pronounced such judgment, for a copy thereof, and also for a Certificate that satisfaction of such judgment has not been obtained by execution within the jurisdiction of the said Court, also for a copy of any order for execution of such judgment that may have been passed, and, if necessary, for a translation of the said judgment and order for execution into the English language. The Court, unless there be any sufficient reason to the contrary, shall cause such copy and certificate, and translation if necessary, to be furnished, and the same shall be signed by the Judge, or one of the Judges of the Court, and sealed with the seal of the Court.

III. If such Court shall be the principal Civil Court of original jurisdiction in the district, the Judge shall describe himself accordingly in the certificate, and shall also name the Court and the district.

IV. If the Court shall not be the principal Civil Court of original jurisdiction in the district, the copy of the judgment, and of the order for execution, if any, the certificate of the Judge, and the translation, if any, shall, without delay, be transmitted to the principal Civil Court of original jurisdiction in the district, and the Judge, or one of the Judges of such Court shall issue a certificate under his hand and the seal of the Court, verifying the signature of the Judge of the Court in which the judgment shall have been given to the documents above mentioned; and in such certificate the Judge signing the same shall describe himself as the Judge, or one of the Judges of the principal Civil Court of the district, and shall also name the Court and the district.

V. All copies, translations, and certificates, which may be furnished by, or transmitted to the principal Civil Court of original jurisdiction in the district in which such judgment shall have been given, shall be transmitted by such Court without delay to the principal Civil Court of original jurisdiction in the district in which the party may wish to have the judgment enforced or executed, and if such last mentioned Court be the Supreme Court of Judicature of either of the Presidencies to the Prothonotary of the Court; and such Court shall cause the said documents to be filed therein, without any proof of the judgment or order for execution, or of the copies thereof, or of the translations, if any, or of the seal or jurisdiction of any Court, or of the signature of any Judge, unless the Court, to which such documents shall be transmitted, shall, under any peculiar circumstances to be specified in an order, require the same.

VI. The copy of any judgment, or of any order for execution, when filed in the Court to which it shall be transmitted for the purpose of being executed or enforced as aforesaid, shall for such purpose have the same effect as a judgment or order for execution made by such Court, and may be enforced or executed by such Court, or any Court subordinate thereto, to which it may entrust the enforcement or execution thereof.

VII. When application shall be made to any of the said Courts to enforce, or execute the judgment of any other Court as aforesaid, the Court to which the application shall be made, or referred, shall proceed to enforce, or execute the same, according to its own rules and mode of procedure in like cases; and the last mentioned Court shall take cognizance of, and punish, all wrongful acts or irregularities done or committed in enforcing and executing such judgment; and all persons disobeying or obstructing the enforcement or execution of any such judgment, shall be punishable by such last mentioned Court, in the same manner as if the said judgment had been pronounced by such Court.

VIII. The decrees, of which execution is to be general, of any Military Courts of Requests holden within the said territories under the Government of the East India Company, or mentioned in Section 17, Act No. XI. 1841, may be enforced in the manner provided by this Act. No such decree, however, shall be enforced under this Act against the person of the debtor, if a soldier. In the case of a decree of a Military Court of Requests the copy, decree, and certificate, and translation, if any, shall be signed by the officer commanding the station or cantonment, who shall describe himself accordingly; and no proof of the decree, or of the signature or appointment of such officer, or of the jurisdiction of the Court, shall be necessary, unless the Court to which the same may be presented shall think fit, under any peculiar circumstances to be specified in an order, to require the same.

IX. A petition for execution under this Act of any judgment of a Moonsiff's Court, or of any decree of a Military Court of Requests, may be written on plain paper.

X. An appeal shall lie from any order for the enforcement or execution of a judgment under this Act, in the same manner, and subject to the same rules and regulations, as if the judgment had been originally given by the Court making such order.

XI. In this Act the word "judgment" means a judgment in a civil suit or proceeding, and includes any final decree or order in a civil suit or proceeding. The word "party" shall include any person who would be entitled to maintain a suit upon the judgment. The masculine gender shall include the feminine, and the singular number shall include the plural.

The 27th August 1852.

ORDERS OF THE GOVERNMENT,

NORTH WESTERN PROVINCES,

FOR 1852.

No. 272.

Notification,—General Department,—Agra, the 20th February 1852.

The following Extract containing paragraphs 18 to 21, Chapter XL. of the Bengal Medical Regulations is published for general information:

"Wherever a Government Charitable Dispensary may be established, it will, as regards matters of general management and finance, be placed under the control of a Local Dispensary Committee, composed of the Judge, the Magistrate and Collector, and the Civil Surgeon for the time being.

" Paragraph 18, Government letter, General Department, No. 1116 of the 27th April 1838.

19th. "If the Members of the Committe, are desirous of securing the co-operation of any native gentleman, resident at the station, their names are to be mentioned to Government, that they may be nominated Members of the Committee in General Orders.

20th. "The Commissioner when present, will also take part in the deliberations of the Committee, and exercise interference when he sees reason to do so, and he, equally with the Medical Board, will be the medium of communication with Government on the affairs of the Dispensary.

21st. "The Civil Surgeon or Assistant Surgeon, besides superintending the professional business of the Dispensary, will be Extra-Officio Secretary, and conduct the correspondence of the Committee with the Commissioner, the Medical Board and others, and will receive a monthly allowance on that account of Rupees 30."

The Lieutenant Governor desires that at every station, where there is a Government Dispensary, the Committee thus appointed will meet and enter on the discharge of their duties. The Commissioner of the Division is requested to provide for the execution of these orders.

No. 317.

Notification,—General Department,—Agra, the 27th February 1852.

The Hon'ble the Lieutenant Governor of the North Western Provinces, in conformity with the provisions of the Statute passed in the 14th and 15th year of the reign of Her Most Gracious Majesty Queen Victoria, entitled an Act for Marriages in India, and of the Act No. V. passed by the Most Noble the Governor General of India, has been pleased to issue the following orders.

Assignment of districts to Marriage Registrars.—The jurisdictions of the several Magistrates and other Officers specified below, are hereby constituted Marriage Registration Districts, for the purposes of the Indian Marriage Acts aforesaid; and

the District in which each Marriage Registrar, now appointed, or hereafter to be appointed, resides, is assigned as the Marriage Registration District of every such Marriage Registrar.

Appointments.—The Lieutenant Governor has been pleased to appoint the following persons, and their successors in office, Marriage Registrars.

The Magistrate of Paneeput.
Ditto ditto of Hurriana.
Ditto ditto of Delhie.
The Joint Magistrate of Rohtuck.
The Magistrate of Goorgaon.
Ditto ditto of Saharunpore.
Ditto ditto of Moozuffernugger.
Ditto ditto of Meerut.
Ditto ditto of Boolundshuhur.
Ditto ditto of Allyghur.
Ditto ditto of Bijnore.
Ditto ditto of Moradabad.
Ditto ditto of Budaon.
Ditto ditto of Bareilly.
Ditto ditto of Shahjehanpore.
Ditto ditto of Muttra.
Ditto ditto of Agra.
Ditto ditto of Furruckabad.
Ditto ditto of Mynpoory.
The Magistrate of Etawah.
Ditto ditto of Cawnpore.
Ditto ditto of Futtehpore.
Ditto ditto of Humeerpore.
Ditto ditto of Banda.
Ditto ditto of Allahabad.
Ditto ditto of Goruckpore.
Ditto ditto of Azimghur.
Ditto ditto of Jounpore.
Ditto ditto of Mirzapore.
Ditto ditto of Benares.
Ditto ditto of Ghazeepore.
The Superintendent of Ajmere.
Ditto ditto of the Bhuttee Territory.
Ditto ditto of Dehra Dhoon.
The Senior Assistant to the Commissioner of Kumaon.
The Superintendent of Nimar.

Fees to be taken by Marriage Registrars.—Under the authority vested in him by Section 19 of the Act of Parliament for Marriages in India, the Lieutenant Governor is pleased to prescribe that the fees specified in Section 18, Act V. of 1852, be taken by the Marriage Registrars from parties intending Marriage, for receiving and publishing notices of Marriage, and for issuing Certificates, entering protests, and Registering Marriages, under the aforesaid Acts.

Appointments of Ministers of Religion to the Office of Marriage Registrars.—It is hereby notified that the Lieutenant Governor will take into consideration the written application of Ministers of the Christian Religion in the North Western Provinces, ordained or otherwise set apart to the Ministry of the Christian Religion according to the usage of the persuasion to which they may belong, who may be desirous of becoming Marriage Registrars of the Districts in which they reside.

RESOLUTION BY THE HONORABLE THE LIEUTENANT GOVERNOR OF THE NORTH WESTERN PROVINCES.

No. 588.

General Department,—Agra, the 31*st March* 1852.

The following Resolution recorded by the Honorable the Lieutenant Governor in the General Department, under date the 31st March 1852, is published for general information.

RESOLUTION.

It has been found that the Acts and Orders, published in the *Government Gazette*, do not obtain that general currency amongst the people which is to be desired.

This arises partly from the great bulk of the *Government Gazette*, and partly from the absence of a Hindee Version. It has therefore been determined to publish a Reprint of the Oordoo, with a Hindee Translation in parallel columns.

2nd. This edition will be called the *Hindee Gazette*. It will appear monthly, and will contain all passed Acts affecting the North Western Provinces, and also such Orders, Notifications and Advertisements, as are thought to possess interest for the people generally.

3rd. The *Hindee Gazette* will be circulated at the public cost to all officers which at present receive the *Agra Government Gazette*, and also to all Kotwals, Thannadars and Police Officers in Independent charge, where a Mohurrir is entertained, to Revenue Officers in charge of encamping grounds and Burdasht-khanahs on the Grand Trunk Road, to the Government Dispensaries and to the Government Tehseeldaree Schools.

4th. Collectors and Magistrates are requested to make such arrangements as will render the *Hindee Gazette* generally available to the people at the posts to which it is furnished, and more especially to all Traders and Travellers at the posts on the Grand Trunk Road.

5th. The price to Subscribers who may wish to possess the *Hindee Gazette*, will be two rupees per annum, or four annas per Copy, paid in advance. Applications are to be addressed to J. P. Ledlie, Esq., Editor of the *Government Gazette*, Agra.

No. 462.

Notification,—General Department,—Agra, the 16*th June* 1852.

No. 1175.

Fort William, Home Department, the 28*th May* 1852.

The Most Noble the Governor General in Council is pleased to notify for general information, that under instructions from the Honorable the Court of Directors, all servants of the East India Company, whether Civil or Military, Covenanted or Uncovenanted, are strictly prohibited from taking any part in the management of Banks in India, or from being connected with Banks, or any other trading Companies except as simple shareholders, the only exception to this rule being in favor of ex-officio Directors or Secretaries of Government Banks at the three Presidencies.

To obviate any possible injury to existing institutions from the immediate withdrawal of all the Company's servants at present engaged in their management, the Honorable Court do not insist that those of their servants now so engaged should at once retire from that occupation, but the prohibition is distinct and positive as regards fresh acceptance of office from the date of the receipt of the Court's Despatch, viz., the 24th May 1852.

No. 1098.

Notification,—General Department,—Agra, the 8th June 1852.

1st. The attention of Public Officers in the districts of Bareilly, Shahjehanpore, Furruckabad, Allygurh, Muttra, Mynpooree, Agra, and Etawah, is drawn to paragraph 13, of the Resolution of 9th February 1850, for the promotion of Vernacular Education.

Resolution 9th February 1850, paragraph 13. These operations must be conducted in concert with the Revenue Authorities and must obtain their cordial assistance. The agency which is now called into action, may be made most valuable in insuring the proper training of putwaries, and in ascertaining the qualifications of candidates or nominees for that office, certificates of qualifications from some of the persons employed in the department may be made necessary for advancement to the post of village putwarry, and also to many other appointments such as those of peon, chuprassee, or burkundaze, as well as to those higher offices, where literary attainments are more evidently essential.

2nd. In these districts, Tehseeldaree Schools have been formed, and an agency has been organized for assisting and encouraging education in every part of the district; ample means have been furnished to all for the acquisition of the rudiments of learning, which are essential to the right discharge of the duties of any public office.

3rd. All the Officers of Government in those districts are therefore prohibited after the expiration of six months from the present time from taking any person into public employ, who is not able to read and write and understand ordinary accounts. Ability to read and explain the two first of Ram Surrun Dass' Elementary Treatises, either in Hindee or Oordoo, viz., No. 1, Letters and Words, and No. II. Arithmetic, is the minimum qualification for all burkundazes, peons, chuprassees, and persons of superior grade. This is applicable to all Departments, viz., the Judicial, the Revenue, the Police, the Customs, the Post Office, and every other branch of the Public Service. In the selection of chowkeydars, a preference shall always be given to candidates possessed of the required qualification.

4th. The Sudder Board of Revenue will fix the literary qualifications, which shall be necessary for putwarries, (village accountants), and will consider how far the same principle can be made applicable to candidates for the office of lumburdar or representative of the village community.

5th. Whenever strong reasons exist for dispensing with the possession of the required qualification, the Commissioner of the Division, on the recommendation of the person who nominates to the office, is authorized to grant special exemptions for a fixed period or for the life-time of the exempted individual.

6th. The Zillah and Pergunnah Visitors are authorized to give Certificates of qualification to all persons who may make application to them for the purpose, and may give proof of their possessing the necessary knowledge. The production of such Certificates will be sufficient proof that the holder possesses the required qualification. The Visitor General will issue such instructions as he considers necessary to ensure the due performance of this office, by the persons employed under him.

7th. These rules are to be held strictly applicable only in the eight districts into which the measures for the promotion of Vernacular Education have been introduced. But their spirit may be observed so far as is conveniently practicable throughout the provinces. A preference should be given to all candidates for public employ who possess at least a knowledge of the rudiments of literature indicated above.

No. 2977.

Notification,—Separate Revenue Department,—Agra, the 21st July 1852.

The following alterations are made in the Rules published on 10th February 1844 for giving effect to the provisions of Act XIV. 1843.

Rule XI. Custom Houses for entering the exports and imports, and for receiving the duties authorized by the Act, shall be established at Sirsa, Hansee, Dehli, Kurnaul, Hodul, Agra, Calpee, Rajpoor, Allahabad and Mirzapoor.

Rule XII. The Superior Officers of the department charged with the collection of Duties, granting of Rowannahs, and superintending the Preventive Establishment, shall be denominated Collectors and Deputy Collectors. The Deputy Collectors shall be subordinate to the Collectors, but shall be competent to perform all acts, which may legally be performed by the Collector. There shall be one Commissioner, vested with the general superintendence over the whole Establishment, and there shall be in charge of each Custom House, a Collector or Deputy Collector.

Mr. G. H. Smith is appointed Commissioner of Customs in the North Western Provinces.

The Officers in charge of Customs Houses, who have been hitherto designated Deputy Collectors, will in future be called Collectors of Customs.

The Collector of Customs at Mirzapoor, will, as a temporary arrangement, discharge the current duties of the late Mirzapoor Division of Customs, under the directions of the Commissioner.

No. 1968.

Notification,—Financial Department,—Agra, the 26th July 1852.

Inconvenience having been experienced from the neglect to observe the course of procedure prescribed in cases of application for retirement from the Service of the East India Company, and for Furlough to Europe, the several rules bearing on the subject are published below for general information.

Any Civil Servant employed in the Agra Division of the Bengal Presidency, who may wish to retire from the Service, or desire Furlough to Europe, should forward his application to the Secretary to Government, North Western Provinces, in the General Department, and send a duplicate thereof to the Secretary to Government of Bengal, in the General Department at the Presidency, where his claims will be noted; and if the application be for Furlough, it will be taken into consideration on the 1st November, together with all similar applications, from both divisions of the Presidency, received up to that date.

Vide Notification of Government, North Western Provinces, in Calcutta *Government Gazette*, dated the 22nd September 1841.

In all cases, the applicant should indicate the Port from which he may intend to embark; and where retirement is contemplated, the date from which it is proposed to take effect.

Vide Notification of Government of Bengal, in Calcutta *Government Gazette*, dated 6th January 1841.

The applicant is required to communicate his intention to the Accountant and to the Civil Auditor, North Western Provinces, at least three months before the date on which he may propose to retire from the Service or to proceed on Furlough, in order that those officers may have time to adjust as far as possible any

Vide Notification in Calcutta *Government Gazette*, dated the 18th May 1836.

items of account standing at his debit in the public Books and Accounts, and prepare the requisite Certificate of demand or no demands. The Certificates will be furnished to the party on his relinquishing charge of the office which he may hold at the time, and are indispensable for procuring permission to embark for Europe or to retire from the Service.

Parties against whom demands exist are required to furnish security bonds executed by Covenanted Officers according to the annexed form, previous to their leaving the country. They have however the option of depositing Government Securities or shares in the Bank of Bengal, and the Chartered Banks of Madras and Bombay for the adjustment of their liabilities.

Vide Notification Agra *Government Gazette*, dated 8th June 1847.

Civil Servants retiring from the Service should furnish themselves with Certificates from Treasury Officers, indicating the last payments made by them on account of subscription to the Civil Service Annuity Fund, both in the North Western Provinces and at the General Treasury, Fort William ; such Certificates being required by the Secretary for the final adjustment of the retiring subscriber's accounts with the Fund.

The final orders authorizing either retirement or Furlough, are attainable only from the Government of Bengal.

No. 1.

Form of Security for the adjustment of public demands against Officers proceeding to Europe on Furlough, or retiring from the Service.

The undermentioned items being exhibited against of the on the Book and Inefficient Balances of the Government of the North Western Provinces, I do hereby willingly become security for the liquidation and adjustment of their accounts.

(Enter items.)

Security.

Attested at
This day of 185 . } *Witnesses.*
In the presence of

No. 2.

Form of Security to enable parties to draw the pay or allowances of Officers who have proceeded on Furlough.

We hereby guarantee that if we are permitted by the Government, North Western Provinces, to draw the salary or allowances of during his authorized absence on leave, we will return or make good the whole or any part of the same drawn in excess or otherwise ruled by Government to be liable to be refunded by us.

Calcutta,
1852.

Signature.

No. 3605.

Notification,—Judicial Department,—Agra, the 31st August 1852.

The following Circular letter is published for general information.

CIRCULAR.

FROM W. MUIR, ESQ.,

Secy. to the Govt., N. W. P.,

To COMMISSIONERS AND COLLECTORS

in the North Western Provinces.

SIR,—The Lieutenant Governor is pleased to direct the attention of Commissioners and Collectors to the General Order by the Most Noble the Governor General of India in Council, No. 486 of 1852, reprinted below, and to desire, that the provisions therein laid down, may be carefully attended to

2nd. Collectors of Districts will be responsible for the proper compilation and preservation of the Registers, English and Vernacular, prescribed in paragraphs 7 and 9 of the Order.

GENERAL ORDERS BY THE MOST NOBLE THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

No. 486 OF 1852.

Fort William, the 6th August 1852.

The Most Noble the Governor General of India in Council is pleased to publish the following Rules for registry of recruits in Bengal, in the North Western Provinces, and in the Punjaub.

1st. On recruiting parties entering a district, the Native Commissioned or Non-Commissioned Officer, commanding the party, will wait on the Civil Authority, and request his assistance, should he deem it necessary, in procuring recruits for his Regiment.

2nd. The district officer on receiving any such requisition, will adopt all necessary measures for facilitating the enlistment of recruits, and will direct his tehseeldars, or other subordinate officers, to give such assistance to recruiting officers as may be requisite.

3rd. Each recruit, after enlistment, should first be taken to the tehseeldar in whose jurisdiction the village he belongs to is situated, in order that the tehseeldar may enquire and verify that his name, caste, parentage, and residence have been duly stated. Lists, with the tehseeldar's signature, will be shown to the district officer, that he may satisfy himself and record that the returns are formal and correct.

4th. A nominal roll, made out in the annexed Form No. 1, will then be prepared by the district officer, and handed to the recruiting officer, for delivery to the Commanding Officer of his Regiment.

5th. It will be the duty of the Adjutant of the Regiment, to prepare monthly on the 1st day of the month, or as soon after as practicable, a return in the Form No. 2 for each district, of all recruits approved at regimental head-quarters, and finally passed

into the service; such return is to contain the names only of the recruits belonging to the district for which the return is intended. The returns are to be sent by Commanding Officers to the Commissioners, who will, on receipt, forward them to the respective district officers.

6th. When recruits have been examined by district officers, and a nominal roll of them furnished to regimental head-quarters, one copy of the return referred to in paragraph 5th will suffice for transmission to Commissioners, but when recruits have been enlisted at regimental head-quarters, the return is to be forwarded in duplicate; one copy for registry in the district office, and the other for the purpose of being verified and afterwards returned to the corps.

7th. District officers will, on receipt of the returns, compare them with the office copies of the nominal rolls furnished to recruiting parties, and, if correct, file the returns with the register of recruits supplied by the district to the respective regiments. The returns are to be bound up annually, those for Regiments of infantry being placed consecutively from 1st to 74th, and so on for local corps, and if necessary, for the Cavalry and Artillery.

8th. A casualty list, according to the Form No. 3, is likewise to be transmitted, with the monthly returns referred to at paragraph 5, for the purpose of enabling district officers to correct the registers, and to prevent men once dismissed for crime from enlisting again.

9th. A vernacular copy of the register is to be kept in every district office, and is to be corrected monthly as regards casualties, in the same manner as the English register.

FORM No. 1.

Nominal Roll of Recruits enlisted by Subadar *in*

District for the *Regiment Native Infantry.*

September 1851.

Number.	Name of Recruit.	Age.	Village and Pergunnah.	Father's name and Caste.	Date of Enlistment.	Remarks.
1	Sham Sing,	17	----------	DotarSing, jat, Sikh,	5th Sept. 1851.	Has been employed in agricultural pursuits.
2	Khoda Yar Khan.	18	----------	Emaum Khan, Pathan,	6th Sept. 1851.	Has been bred to no particular trade or profession: his father served the Durbar as a soldier, and was faithful.

(Sd.) S. D.,

Deputy Commissioner.

FORM No. 2.

Descriptive Long Roll of Recruits entertained in the *Regiment Native Infantry, during the month of August* 1851, *and belonging to the District of Umballah.*

Peshawur, 1st September 1851.

Number.	Register number.	Name of Recruit.	Age.	Height.	Caste.	Village and Per. gunnah.	Date of Enlistment.	Remarks.	Date and circumstances of death, discharge, or removal from any cause.
1	--	Shere Sing, son of Tej Sing.	16	5 8	Jat, Sikh.	Deogurh, Sarun, 5 koss S. E. from Tehseeldaree of	15th August 1851.	Refers to Purtab Sing, lumburdar of Deogurh for the truth of the description he gives of himself.	
2	--	Sheikh Joomun, son of Ulla Yar Khan.	17	5 9	Sheikh	Puthanpore, Umballa, 10 koss W. of the Tehsildaree of	20th August 1851.	Description already verified by Dy. Comr., under date the 30th August.	

Examined I. F., *Adjutant.*

(Sd.) F. W.,
Comdg. the Regt. N. I.

FORM No. 3.

Casualty Roll of the *Regiment Native Infantry, for the month of August* 1851.

Number.	Register number.	Name.	Age.	Date of Enlistment.	Date and circumstances of casualty.
1	--	Tora Baz Khan, son of	25	1st July 1845. --	Died 17th August 1851.
2	--	Runjeet Singh, son of	22	3rd April 1851. --	Discharged by sentence of a Regimental Court Martial, 20th August 1851.

Examined I. F., *Adjutant.*

(Sd.) T. H.,
Comdg. the Regt. N. I.

(Sd.) R. J. H. BIRCH, *Lieut.-Coll.,*
Offg. Secy. to Govt. of India, Mily. Dept.

5th August, 1852.

No. 4661.

Notification,—the 4th December 1852.

The following order passed by Her Majesty in Council on the 18th August last, relative to the apprehension of certain Foreign Deserters, under the powers of the "Foreign Deserter's Act, 1852," is re-published for general information:

At the Court at Osborne House, Isle of Wight, 18th day of August 1852.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by the "Foreign Deserter's Act, 1852," it is provided, that whenever it is made to appear to Her Majesty, that due facilities are or will be given for recovering or apprehending seamen who desert from British merchant ships, in the Territories of any Foreign Power, Her Majesty may by order in Council, stating that such facilities are or will be given, declare that seamen not being slaves, who desert from merchant ships belonging to a subject of such power when within Her Majesty's Dominions or the Territories of the East India Company, shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient.

And whereas it hath been made to appear to Her Majesty, that due facilities have been or will be given for recovering and apprehending seamen who desert from British merchants' ships, in the Territories of the Emperor of all the Russias, the King of Sweden and Norway, and the Republic of Peru.

Now, therefore, Her Majesty, by virtue of powers vested in Her by the said "Foreign Deserter's Act, 1852," and by and with the advice of Her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that from and after the publication hereof in the London Gazette, seamen not being slaves, who desert from merchant ships belonging to subjects of any of the three powers aforesaid, when within Her Majesty's Dominions or the Territories of the East India Company, shall be liable to be apprehended and carried on board their respective ships.

And the Right Hon'ble the Lord Commissioners of Her Majesty's Treasury and the Commissioners for the Affairs of India, are to give the necessary directions herein accordingly.

(Signed) GREVILLE.

4th December 1852.

No. 87 A.

JUDICIAL DEPARTMENT.

To the Commissioners of the Benares, Allahabad, Agra, Meerut and Delhie Divisions.

It has been brought to the notice of the Hon'ble the Lieutenant Governor that the Public are exposed to inconvenience from the manner in which the Grand Trunk Road is sometimes encumbered by Carts, Waggons and Carriages, which are left standing upon it. With the rapid rate of travelling which is now common on the Road, risk to the person, as well as delay arises from this cause.

2nd. I am desired to bring to your notice that it rests with the Police to prevent all such obstructions, which are of the nature of public nuisances.

3rd. Vehicles, of which the draft cattle are being changed, should be compelled to draw up in a single line on the side of the road, and to move on without delay as soon as the change is completed.

4th. In the large towns along the road, empty vehicles must not be allowed to stand on the high road opposite to the offices of the owners, or their Agents, but should be removed from the road and kept in suitable yards maintained at the expence of the owners.

5th. Every effort should be made to induce the drivers of vehicles along the road, to observe the rule of keeping the left hand side of the road except when passing other vehicles, which they should do on the right hand side. This rule cannot be enforced by penalties, but it is probable that its evident advantage will lead to its general adoption when sufficient publicity is given to it.

6th. In order to promote the public convenience, the Superintending Engineer of the Grand Trunk Road will receive instructions to increase the width both of the whole road and of the metalled portion of the road to a convenient extent opposite to all the Government Dak Chowkees, and also opposite the Chowkees of all private Companies, who by the substantial character of their buildings and arrangements may afford fair prospect that their posts will be permanently occupied.

7th. In order to ensure due publicity being given to these orders, you are requested to cause a copy to be furnished to the Agents of private Companies for the carriage of Travellers or of goods in your Division. A copy of this letter will also be inserted for general information in the Oordoo and Hindi Gazettes.

13*th December* 1852.

No. 26.

Notification,—Financial Department, Fort William, the 22nd December 1852.

By Section 9, Act XVII. of 1835 of the Government of India, it was enacted that thenceforward no gold coin should be a legal tender of payment in any of the Territories of the East India Company, and accordingly gold ceased from the date of the passing of the Act to be a legal tender of payment in the Company's Territories in India.

But by a proclamation issued on the 13th January 1841, Officers in charge of Public Treasuries were authorized freely to receive gold coins struck in conformity with the provisions of the same Act XVII. of 1835 at the rates indicated by the denomination of the pieces, until they should have passed certain limits of lightness set forth in a table published with the proclamation, or until further orders, and gold coins have been thus received in liquidation of public demands up to the present date.

Notice is now given, that so much of the proclamation of the 13th January 1841, as authorized the receipt of gold coins into the Public Treasuries of Government will be withdrawn and cancelled fron the 1st January 1853, and that on and after that date no gold coin will be received on account of payments due or in any way to be made to the Government in any public Treasury within the Territories of the East India Company.

Gold will continue as heretofore to be received into any of the Mints within the Territories of the East India Company for coinage under the Act and Rules at present in force for the coinage of gold, but Mint Certificates for gold coins will be discharged in gold only, and no such Certificate for gold will be accepted in any Public Treasury in liquidation of public demands, or on account of any payment to the Government whatever.

CIRCULAR ORDERS

OF THE

SUDDER DEWANNY ADAWLUT,

NORTH WESTERN PROVINCES,

FOR 1852.

No. 71.

Agra, the 14*th January* 1852.

To the Civil Authorities in the North Western Provinces.

The Court direct that in serving notice of action through the Judges of Her Majesty's Supreme Court, under Act XXIII. of 1840, on the Receiver of that Court, the Civil Judges will attach to each notice a memorandum, in ordinary language, and without regard to precise form of the substance and objects of the plaint in order that the Receiver, when served with the notice, may take the orders of the Supreme Court for defending the suit.

2nd. The Uncovenanted Judges in suits instituted before them will send the plaints for the abstracts of them to be made as above by the Civil Judges for transmission with the notice for service under Act XXIII. of 1840.

No. 240.

Agra, the 14*th February* 1852.

To the Civil Authorities in the North Western Provinces.

The Court notify the rescission of Construction No. 1010, dated 8th July 1836, in concurrence with the Presidency Court, on the ground that* "there is no legal power in the Courts "to award, in the course of execution of a decree, "interest on a debt which has been decreed against "one party to be paid by another party. A debtor compelled to pay interest on the "decree against him, may or may not under special circumstances, have a claim "against a party who has delayed the satisfaction of the decree by putting forward "a vexatious and unfounded claim to property attached in execution. This however "must be matter for a new regular action, and cannot be dealt with as a part of the "proceedings in execution of the decree."

* Presidency Court's Decision in summary appeal No. 357 of 1851, Mussumat Raina Bye, decreedar, petitioner.

No. 371.

Agra, the 5th March 1852.

To the Civil Authorities in the North Western Provinces.

The Court call the attention of the Civil Authorities to the necessity of carefully noting in their judgments all the leading grounds of appeal, which are stated in an intelligible manner by an appellant, and of recording their opinion upon them. From disregard of this rule, cases are liable, on special appeal, to be remanded for retrial, that "the points to be decided," and "the reasons for the decision," on those points may be duly set forth, as enjoined in Act XII. of 1843.

2nd. The above rule is also to be strictly observed by the Principal Sudder Ameens in the trial of appeals by them.

No. 385.

Agra, the 6th March 1852.

To the Zillah Judges and Principal Sudder Ameens in the North Western Provinces.

The Court rescind Circular Order, dated 19th July last, No. 1018, and direct that in future "the proceedings held in the cause of appeal," which are required to be certified to them by Section 2, Act IV. of 1850, be understood to signify the original record of the case in appeal, according to Section 11, Regulation VI. of 1793, as modified by Section 8, Regulation IX. of 1831.

No. 429.

Agra, the 13th March 1852.

To the Civil Authorities in the North Western Provinces.

The Court, in concurrence with the Presidency Court, notify the rescission of the rule contained in paragraph 4 of Construction No. 675, and paragraph 9 of Circular Order No. 20, dated 28th September 1838, to the effect that respondents appearing voluntarily to defend an appeal without being summoned, must bear their own costs. If there be no ground to sustain an appeal, the costs of the respondent entering appearance, even without notice, may be awarded to him from the appellant at the discretion of the Appellate Court.

No. 481.

Agra, the 22nd March 1852.

To the Civil Judges in the North Western Provinces.

The following rules are, with the sanction of Government, promulgated, in supercession of all previous rules for the examination of Candidates for the offices of Moonsiffs and Pleaders.

1st. Examinations of candidates for the office of Moonsiff specially are to be discontinued. The examinations to be hereafter held, shall be of Candidates for the Office of Pleader in the Sudder Court, or in that of a Zillah Judge, or Principal Sudder Ameen, and the Diplomas, granted to those who may pass, shall specify that they are eligible for the office of Pleader in the Courts above mentioned. Only the

holders of such Diplomas, and those who have already passed for Moonsiffs, but are still unemployed as such, shall be eligible to the office of Moonsiff.

2nd. The examination of Candidates for the office of Pleader in the Sudder Court, or in the Courts of the Zillah Judges and Principal Sudder Ameens, will be held yearly in the month of January at Agra, Benares, Bareilly and Delhie, by Divisional Committees. These Committees shall consist of the Commissioner, the Judge, the Principal Sudder Ameen, with the Principal of the College or other Educational Establishment at the station, and such other Officers as may from time to time be appointed by the Government.

3rd. Candidates are required to send in their applications, in English, for the purpose, in the Form A. to the Judge of the Zillah within which they reside.

4th. The applications are, in all cases, to be presented, at least two months before the date fixed for the examination.

5th. The Zillah Judge to whom application may be made, after making such enquiry as he may deem proper to ascertain that the applicant is a person of respectable connections, good character, and suitable attainments, shall grant a Certificate in the Form B., which shall be forwarded for the countersignature of the Commissioner of the Division, and if countersigned by him shall be transmitted to the Sudder Dewanny Adawlut, who, if they be aware of no objection, shall forward it to the Judge of the station at which the Committee is to be held, with their opinion expressed in the following terms:

"The Sudder Dewanny Adawlut, having inspected this Certificate, are aware of no objection to the examination of the applicant."

(Signed)

Register.

6th. If however the enquiries made by the Judge regarding the fitness of the applicant prove unsatisfactory, or if the applicant be unable to produce credentials to his respectability, past conduct and general qualifications, the Judge shall reject the application.

7th. Any Commissioner declining to sign a Certificate forwarded to him by the Judge will record the grounds of his recusancy on the face of it, and return it to the Judge, with a view to its submission for the orders of the Sudder Dewanny Adawlut.

8th. No Certificates are to be granted, but to persons who may be inhabitants of, or employed within, the jurisdiction of the Officers granting them.

9th. Persons under the age of twenty-one are not eligible to examination.

10th. The date on which the application is presented is to be noted thereon, immediately under the application, and at the head of the Tabular Form.

11th. In receiving the Certificates of persons who have already undergone examination, the Judges are to mention in such Certificates, the number of times the applicants have been examined, with reference to which the Court will decide whether they will admit the applicants to another examination.

12th. The Principals of the Colleges at Agra, Benares, Delhie and Bareilly, are also authorized to grant Certificates to *bonâ fide* students of their respective Colleges, but such Certificates are to be countersigned by the Judge of the Zillah in which the College may be situated, after that officer shall have made the enquiries required in ordinary cases, and shall be transmitted by him to the Sudder Dewanny Adawlut, for their opinion.

13th. When a person who has received a Certificate presents himself for examination, the Committee, if they shall be aware of objections to his examination on the score of character, shall refuse to proceed with his examination, and shall

declare their objection in writing on the face of the Certificate, and transmit it to the Sudder Dewanny Adawlut, for such orders, or for such further enquiry, as the Sudder Dewanny Adawlut may think proper.

14th. If the Judge of a District have good and sufficient grounds to believe, from any proceeding, or other information officially before him, that any Moonsiff or Pleader under his control, not previously examined, is not sufficiently qualified to discharge, in a proper manner, the duties of his situation, he may require such Moonsiff or Pleader to present himself for examination before the Divisional Committee when next held; and any Moonsiff or Pleader, who being so required, may refuse to submit to examination, or, being examined, may fail to obtain a Diploma, shall forfeit his appointment, and shall not be re-appointed to a Moonsiffship or Pleadership until he obtain a Diploma of fitness.

15th. Judges who may require Moonsiffs or Pleaders to present themselves before the Divisional Committee for examination in pursuance of the foregoing rule, shall intimate the same to the Committee at least fifteen days before the date fixed for the examination.

16th. Fifteen days previous to the examination, the Judges of Agra, Benares, Bareilly and Delhie, will report to the Court, the number of applicants whose names are registered for examination.

17th. The examination to be partly *vivâ voce,* and partly written answers to prepared questions.

18th. The written questions will be framed by the Court of Sudder Dewanny Adawlut, from the Regulations and rules of practice and decided cases of the Sudder Dewanny Adawlut, for the guidance of the Courts of Civil Justice and from the official works on the revenue system of the country, and will be forwarded by them to the Examination Committee, one of them being the Judge or Commissioner of the Division. The several members of the Committee, however, shall examine the replies, and decide on the eligibility of the Candidates. Candidates will be at liberty to give their replies in whatever language they please; but it will be the duty of the Committee to satisfy themselves that every Candidate who may be considered qualified in other respects for the situation of Pleader, possesses also a competent knowledge of the principal Vernacular Language of the country.

19th. After the Candidates shall have delivered their written replies to the questions, the papers of a Moonsiffee case, which has been decided on its merits, shall be read by a Mohurrir *seriatim,* the final decree excepted, to the several Candidates, who shall then be required to record in any language they may prefer, their opinions on the point at issue, between the parties, and the manner in which the suit ought to be decided, agreeably to the Regulations and the law of the parties. The opinions thus recorded shall be examined by the whole of the Committee, to enable them to judge of the capacity and intelligence of the Candidates.

20th. The oral examination shall be conducted by a full meeting of the Examining Committee, who shall examine each Candidate separately by questions from the Regulations relating to the Regulations and Acts, and to the constitution, extent of jurisdiction, powers, and course of procedure of the Civil and Revenue Courts.

21st. At the conclusion of the examination, the Committees shall grant Diplomas of qualification (in the Form C.) to such of the persons examined, as they may consider deserving, and at the same time, forward duly certified lists of such Candidates to the Sudder Dewanny Adawlut.

22nd. When the members of any Committee are equally divided in opinion, as to the propriety of granting or withholding a Diploma, such equality of votes shall be held to render the Candidate incligible.

23rd. No member of any Committee shall vote regarding any Candidate, who may be in any way related to or connected with him.

24th. Candidates who may be rejected at one sitting of a Committee shall be entitled to appear at the ensuing examination, provided, however, that such Candidates shall renew their Certificates from the Zillah Judge, and that they shall be admitted to examination by the Sudder Dewanny Adawlut, (see paragraph 5) previously.

25th. Persons who have passed the examination shall be eligible for appointment either as Moonsiff or as Pleader in the Sudder Court, or in the Courts of the Zillah Judges and Principal Sudder Ameens; but in the selection of persons for the Office of Moonsiff, those Candidates will be considered to have the stronger claim who have been in practice as Pleaders in any of those Courts, and can produce Testimonials from the presiding Judge or Judges of such Court of having conducted themselves in that capacity in an able and upright manner.

26th. Lists of past Candidates eligible to the office of Moonsiff or Pleader, will be sent in the Form D. after each examination to the several Zillah Judges, and will be inserted in the *Government Gazette*. The appointment of passed Candidates to the office of Pleader will remain with the Zillah Judges, and the holder of a Diploma, if not open to objection on the ground of general conduct and character, such objection being open to appeal to the Sudder Dewanny Adawlut, is entitled to an appointment in any Zillah on application, without reference to the number of Pleaders at the time attached to the Courts in it. Sunnuds are to be granted to them in the Form E.

27th. Law Officers, and in cases of special recommendation, Serishtadars of Revenue Commissioners' Offices and of Civil Courts will however not be required to attend the Public examinations, but will be allowed the indulgence of a private examination, an application being made by the Local Authorities, for the sanction of the Court to one being held.

28th. The Court will be at liberty to exercise their discretion in appointing persons holding the Office of Mahomedan Law Officer, should they also have obtained Diplomas of qualification for Moonsiffships in the above mode, to be at the same time Moonsiff or Moonsiffs and Sudder Ameens, when the Offices happen to be united at the Sudder Stations of the Zillah Courts, whenever there may be reason to believe that the junction of the two Offices will not retard the administration of Civil Justice, or be otherwise prejudicial to the Public Service.

29th. On the occurrence of a temporary vacancy in the Office of Moonsiff, it will be competent to the Zillah Judge, without reference to the Local Commissioner, to nominate any individual named in any of the lists for the approval of the Sudder Court. All nominations to the permanent appointment of Moonsiff must as heretofore be countersigned by the Commissioner.

30th. The Sudder Dewanny Adawlut may however, if they see fit, appoint any other holder of a Diploma to a vacant Moonsiffship, in supercession of the recommendation of the Zillah Judge and Commissioner.

31st. The examination of Candidates for the Office of Pleader in the Sudder Ameens' and Moonsiffs' Courts, shall be held annually in the month of January, by District Committees, consisting of the Judge, the Magistrate, and Principal Sudder Ameens of the Station. Candidates for the Office in Agra, Benares, Bareilly and Delhie shall be examined by the Divisional Committees, simultaneously with Candidates for the Offices of Moonsiff and Pleader in the Sudder Court, and in the Courts of the Zillah Judges and the Principal Sudder Ameens. They shall not be required, however, to pass the same standard of examination, but a system of marks being adopted, and the value of all the questions being assumed at 100, Candidates who

fail to obtain 60 shall be rejected, while those who get any higher number of marks, shall, at the discretion of the Committee, receive certificates to practise in the Courts of Sudder Ameens, and Moonsiffs, respectively; likewise Candidates for the Office of the higher grades of Pleadership, who may obtain above 60 marks, may at the discretion of the Committee, receive, on application, certificates to enable them to practise as Pleaders before Sudder Ameens and Moonsiffs.

32nd. Certificates granted by the Zillah Judges to Candidates for the Office of Pleader in the Sudder Ameens' and Moonsiffs' Courts, are not to be forwarded to the Sudder Courts.

33rd. The holder of a Diploma to plead in a higher Court, shall be eligible for the Office of Pleader in a lower Court on application.

34th. A Diploma granted in one District, shall entitle the holder of it, if of good character, any objection made on that ground being subject to appeal to the Sudder Dewanny Adawlut, to obtain a Pleadership in another district, in the grade of Court for which he may have passed.

35th. Whenever it may be found impossible to obtain the services of a holder of a Diploma as a Pleader in any particular Court, the Sudder Dewanny Adawlut shall cause selection to be made of a fitting person for the Office, and appoint him temporarily to the same, until such time as he may obtain the requisite Diploma, or a duly qualified person may be available.

A.

The Application of inhabitant of

Whereas I am desirous of becoming a Candidate for the situation of Pleader in the Sudder Court, or in the Court of the Zillah Judge, or Principal Sudder Ameen, I request that after making the necessary enquiries, you will grant me a Certificate prescribed by the Rules for the Examination of Candidates.

Application received on the (Signed)

1	2	3	4	5	6	7	8	9	10
Name of the Applicant and that of his father.	Age.	Religion and Caste.	Family residence, viz. Town, Village, Pergunnah and Zillah.	Particulars relative to the family and connections of the applicant which may seem worthy of notice.	Statement of past employment in the service of Government.	Statement of landed or other property belonging to the Nominee, and where situated.	Statement of whether the applicant is a debtor or creditor of other parties, and if so, the place of residence of his debtor or creditor.	Name of Government College or School, if any in which the applicant was educated, number of years for which he was so educated, and Statement of honors or prizes, if any, obtained by him in the last year of such education.	Certificate of the Judge B.
									I do hereby certify that I have satisfied myself that A. B. the bearer of this Certificate is a man fully fitted by respectability, good character, and general information to fill the office of Pleader either in the Sudder Court or in the Courts of the Zillah Judges and Principal Sudder Ameens, and that he is entitled to the privilege of examination as to his qualifications to the Office.

Zillah

The }

C.

We hereby certify that

was examined at the yearly examination held at in the month of

18 and that we consider him duly qualified from his knowledge of the Native languages and of the Laws and Rules of Practice for the guidance of the Courts of Civil Justice, to hold the Office of Pleader in the Sudder Court, or in the Court of a Zillah Judge, or Principal Sudder Ameen.

Signatures of the Members.

Name of Candidate.	Name of his Father.	Age.	Place of Residence.

D.

List of Persons who have received Diplomas certifying that they have passed an examination, and have been declared competent to serve as Pleaders in the Sudder Court or in the Courts of the Zillah Judges and Principal Sudder Ameens.

Name.	Name of Father.	Residence.	Acquirements.	Date and place of examination and No. in the list.	Certificate granted by what Committee or Judge, and under what date.	Remarks.

E.

In conformity with the Provisions of Regulation XXVII. of 1814, and Act I. of 1846, you——— ———are hereby appointed to the Office of Pleader in the Zillah Court of ————————. You will not be liable to be removed from your situation so long as you may conduct yourself with propriety, and discharge your duty with zeal and integrity, under the Rules contained in the Regulations which now are, or may hereafter be in force.

FRANCIS B. PEARSON,

Register.

No. 618.

Agra, the 17th April 1852.

To the Zillah Judges in the North Western Provinces.

The Court are pleased to direct that in future the Judges certify the correctness of the Vernacular Translation of the original English Decision which they are required to write by Section 1, Act XII. of 1843, in the following form:

"I certify that this is a correct translation in the vernacular of my English Decision, under date

(Signed) ————————

Judge."

which is to be signed and dated by themselves.

2nd. Attention is also called to paragraph 8 of the Circular Order No. 49, dated 20th September 1839, which prescribes that every decree and final order must be prepared and ready for *transcription* within ten days after passing it. The observance of the foregoing rule (which is to be communicated to such of the Uncovenanted Judges as write their decisions in English) will require that the translation of every judgment be completed and certified within the prescribed term from the date on which it was pronounced.

No. 650.

Agra, the 23rd April 1852.

To the Civil Authorities in the North Western Provinces.

In continuation of Circular Order No. 17, dated the 2nd August 1851, the Courts of Sudder Dewanny Adawlut for the Lower and North Western Provinces, communicate the following instructions on the subject of the duties of Ameens.

2nd. The Circular Order of the 2nd August last, only declares what Ameens judicially employed, are, in that capacity, empowered to do under Section 17, Regulation IV. of 1793, and this duty will of course continue to be performed by the Local Ameens appointed according to Circular Order No. 197, dated Lower Provinces, 13th January, and Western Provinces, 10th February 1837. The duty has been ruled* not to be of the nature of a commission to take evidence, but to be one of personal examination of localities, and of report thereon, so as to enable the Courts to come to a clear and safe decision.

*No. 297 of 1849.
Kaleechunder Lahoree, *versus* Baboo Prosona Koomar Tagore. Decided 28th August 1851.

No. 323 of 1851.
Himmut Khan, *versus* A. T. Martyrose and another. Decided 1st December 1851.

No 379 of 1851.
Jugunnath Ghose and others, *versus* Nerain Bhorya. Decided 1st December 1851.

No. 377 of 1850.
Rubee Dass Shah and others, *versus* Kishen Govind Dass Chowdree and others. Decided 11th December 1851.

3rd. With a view to the efficient performance of the above duty, the Courts direct the Lower Courts to confine employment under Section 17, Regulation IV. of 1793, and Section 18, Regulation III. of 1803, as far as may be practicable, to Ameens able to survey with the magnetic compass, and to prepare from such survey maps of lands or boundaries, and in the future appointment of Ameens to prefer candidates so qualified.

4th. The Courts correct an error in paragraph 5 of Circular Order No. 27, dated 17th September 1847, which directs that occasional Ameens under Section 17, Regulation IV. of 1793, and Section 18, Regulation III. of 1803, are "to attest on solemn declaration the truth of the reports *delivered in by them*." This is contrary to the law, (Sections 17 and 18 aforesaid), which enacts that the Ameen " is "to be sworn *to make* a true and faithful report to the Court of the several matters, "which they *may be* directed to investigate." As these words clearly imply that the oath or solemn declaration is to precede, and not to follow the investigation, the Courts rescind paragraph 5 of the Circular Order in question, and substitute the following:

Persons deputed as occasional Ameens, not being sworn Ministerial Officers, are to be sworn, "before entering on the duties of their Office" to make a true and faithful report to the Court, as enjoined by Section 17, Regulation IV. of 1793, and Section 18, Regulation III. of 1803.

5th. Local Ameens having been recognized as "Ministerial Officers of the Court" by Construction 1271, cited in Circular Order No. 27, dated 17th September 1847, are also legally capable of performing the merely executive duties described in Clauses 2, 3 and 4 of the 2nd paragraph of Circular Order No. 177, dated 31st December 1841.

6th. The duties set forth in the 1st Clause of that paragraph are, on the other hand, of a judicial kind, involving the taking of evidence, and the report of a judicial opinion, and are such as can under the law, be performed only by a Moonsiff under Section 50, Regulation XXIII. of 1814. Moonsiffs should be deputed, on them, only, however *when absolutely necessary*, so as to interfere as little as possible with the discharge of the duties of their own Court.

No. 813.

Agra, the 28th May 1852.

To the Civil Authorities in the North Western Provinces.

In modification of the rule laid down in paragraph 3 of their Circular Order No. 1551, dated 23rd August 1842, the Court direct that the entire sum bid for moveable property in sales held by ameens shall be paid at the time of sale or else a resale of it shall be made at once.

No. 824.

Agra, the 28th May 1852.

To the Civil Judges in the North Western Provinces.

The Court request that the Judges will invariably note in the quarterly explanation of Part 3 of the Civil Statement No. 1, regarding the cause of delay in the disposal of suits pending beyond one year, whether the explanations of the Uncovenanted Judges are satisfactory or the contrary.

2nd. Similar notes are to be made in column 22 of Statement No. 2, and column 13 of Statement No. 3 at the close of each quarter with reference to the miscellaneous cases that have been pending for more than a year.

No. 1089.

Agra, the 28th July 1852.

To the Civil Judges in the North Western Provinces.

The Court direct the insertion of a note in the column of Remarks in the Annual and Monthly Statements, Nos. 2 and 3, opposite the heading of "applications for the execution of decrees," showing the number in each Court which have been preferred under the provisions of Act XXV. of 1852.

No. 1126.

Agra, the 2nd August 1852.

To the Civil Judges in the North Western Provinces.

By a note in Column 10 of the Form No. 4, prescribed by paragraph 6 of the Circular Order No. 672, dated 16th April 1841, an Extract of the final proceeding in Urdoo, sufficient to show the ground or grounds of remand in each case included in the return is required to accompany it. The printed decisions of the Zillah Courts now supply the information, which the Vernacular Extracts were designed to furnish; the transmission of the latter is therefore no longer necessary; and the Court accordingly direct it to be discontinued in future.

No. 1569.

Agra, the 2nd October 1852.

To the Civil Judges and Registers of Deeds in the North Western Provinces.

The attention of the abovementioned Officers is called to the provisions of Section 13, Regulation XVII. of 1803, under which all offices for the Registry of Deeds are required to be closed on the holidays, on which the Civil Courts are closed.

No. 1848.

Agra, the 29th November 1852.

To the Zillah Judges in the North Western Provinces.

With the sanction of the Government, and in modification of the rule contained in paragraph 1 of the Resolution of the Government, in the Financial Department, under date 16th October 1846, the Zillah Judges are authorized to grant leave of absence at their own discretion to the Uncovenanted Judicial Officers subordinate to them respectively, during the Dusserah and Mohurrum vacations.

2nd. The Judges will be pleased, before the commencement of the vacations, to report to the Court the names of all the Officers to whom they may have granted leave of absence under the authority hereby conveyed to them.

No. 1886.

Agra, the 16th November 1852.

To the Zillah Judges and Principal Sudder Ameens in the North Western Provinces.

The Court, observing that the practice of the Courts in recording their decisions under the provisions of Act No. XII. of 1843 differs materially, think it necessary to promulgate the following instructions for the guidance of the Judges and the Principal Sudder Ameens in their Appellate capacity.

2nd. The duty of the Appellate Court being to try, whether there are sufficient grounds shown for interfering with the decision of the Court of first instance, the substance of the appellant's reasons of appeal should be given with a brief notice of the answer thereto. The issues for trial having been laid down in conformity to paragraph 6 of Circular Order No. 43, dated 4th January 1841, and to Circular Order 13th September 1843, the decision thereon should be recorded with due advertence to the precedent of the 23rd February 1852, No. 49, and the Circular Order dated 5th March 1852, in the event of the decision being for confirmation, and, if for reversal, to the necessity of a full statement and consideration of the reasons on which the order reversed is grounded, as required by several precedents of this Court. A recapitulation of the pleadings in the lower Court, or the incorporation of all the particulars of the case in the decision, is not absolutely required by the Act. It will be, however, always at the discretion of the Judges to make this addition to their judgments, if it be considered essential to the elucidation of the case, or if the facts of the case or the issues arising out of the pleadings appear to have been imperfectly stated by the lower Court.

3rd. The Court do not desire to fetter the discretion of the Judges by any fixed form, nor can any such be prescribed for adoption. Their aim is merely to indicate the way in which the chief objects of securing to the parties in appeal a reasonable satisfaction that their pleas have been heard and weighed, and the avoidance of unnecessary prolixity, may be best obtained.

No. 1939.

Agra, the 20th December 1852.

To the Civil Authorities in the North Western Provinces.

The Court notify the rescission of the Circular Order No. 39, dated 14th June 1839, with reference to the provisions of Section 9, Act XXVI. of 1852.

CIRCULAR ORDERS

OF THE

NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES.

FOR 1852.

No. 33.

Agra, the 14th January 1852.

To the Criminal Authorities in the North Western Provinces.

In modification of paragraph 19, Circular Order No. 54, dated 16th July 1830, of Circular Order No. 111, dated 20th July 1832, and of Rule 12 of Circular Order No. 98, dated 4th November 1842, the Court direct that reports be not hereafter made to them when a commitment is cancelled by Session Judges. The Judges will exercise their discretion on this point as in other parts of their duties, on their own responsibility, though they may of course make any special report to the Court which they may in particular instances think necessary.

No. 50.

Agra, the 23rd January 1852.

To the Criminal Authorities in the North Western Provinces.

The attention of the Magistrates and Sessions Judges is directed to the careful and proper framing of charges of embezzlement, under Section 13, Act XIII. of 1850. The charges in various instances, which have come before the Court, do not set forth the nature and purpose of the trust, and it is important that the accused should be distinctly informed what trust he is charged with having abused. The distinction between embezzlement and theft being nice in cases of embezzlement under the Act, a count for theft arising out of the same Act should be added, as a conviction for theft cannot be had on a charge of embezzlement only.

2. The Court are aware that, under Section 14 of the Act above mentioned, power is given to make any amendments in the charge that may be necessary. What the Court desire to point out is, that the insertion of both counts in the commitment by a Magistrate, and where this has been omitted, the correction of the error by the Sessions Judges will prevent delay, and enable the Court on appeal, to deal with either charge, accordingly as one or the other may appear to be the most strictly applicable to the facts of the case.

No. 92.

Agra, the 30th January 1852.

To the Criminal Authorities in the North Western Provinces.

The Court publish for general information the following extract, being paragraph 3 of a letter received by them from the Government, No. 248, dated 23rd instant, regarding the investiture of Tehseeldars with police powers, under Regulation XI. of 1831.

"The enforcement of Regulation XI. of 1831 in a certain pergunnah or district, or "the investiture of the Tehseeldars in certain pergunnahs, or in a whole district with "police powers under Regulation XI. of 1831, refers to the locality indicated, and "not to the person invested, any Tehseeldars holding office in those pergunnahs "exercise the powers. Tehseeldars exercising police powers there, when removed to "other districts, do not carry the powers with them."

No. 229.

Agra, the 19th March 1852.

To the Criminal Authorities in the North Western Provinces.

The Court have lately had before them several cases of female Child-stealing, referred for their orders under Clause 1, Section 4, Rugulation VI. of 1832, the circumstances of which would have admitted of their being disposed of by the district authorities under the provisions of Section 2, Regulation VII. of 1819; they are pleased, therefore, to call attention to the rules contained therein, and to point out that whenever the circumstances of the case may clearly bring it within the intent and meaning of the Section of the Regulation above quoted, it should be taken up under it, the charge against the accused being so framed as to correspond with the exact words of the Section; and that, on conviction, the Magistrate should either proceed to dispose of the case himself by passing sentence upon the offender within the limit of Section 19, Regulation IX. of 1807, or if that sentence appear to him inadequate, by committing the case to the Sessions Judge, in order that he may dispose of it under the provisions of Section 6, Regulation XVII. of 1817, which have been declared applicable to such commitments.

No. 363.

Agra, the 16th April 1852.

To the Criminal Authorities in the North Western Provinces.

The Court publish for the information and guidance of the Criminal Authorities in the North Western Provinces, copy of a letter No. 1415, dated 23rd December 1851, from the Magistrate of 24-Pergunnahs, and of the Officiating Advocate General's opinion upon the several points referred to therein, which has been communicated to them by the Presidency Court.

COPY.

Fort William, the 23rd December 1851.

No. 1415.

FROM THE MAGISTRATE OF THE 24-PERGUNNAHS,

TO THE REGISTER OF THE COURT OF NIZAMUT ADAWLUT.

SIR,

I have the honor to submit the following case for the opinion of the Advocate General:

2nd. A British subject of the name of Moran was fined Rs. 400, by the Joint Magistrate, Mr. C. W. Mackillop, for an aggravated assault on one Rodrigues, a native of India, under Section CV., Stat. 53, Geo. III., Chap. 155. Failing to pay the fine, his property, consisting of a house in Entally, was attached, fifteen days' notice of sale was given, and the rights and interests of the defendant, Moran, in the afo resaid house were finally sold at a public auction to a Mr. Cones, for Rs. 1,850, which have been duly deposited with Mr. Mackillop, who, I may add for the Advocate General's information, is vested with the full powers of a Magistrate. Moran, however, refuses to give possession of the house, and it is said has put forward a third party to claim it as his own. Under these circumstances, Mr. Mackillop has retained the purchase money in deposit, and applied to me for advice. There are several points involved in the case, however, on which I do not feel competent to decide, and as the consequences of a mistake may be serious to Mr. Mackillop, and the question of the proper mode of levying fines on the property of British-born subjects is one of general importance, I would solicit the Advocate General's replies to the following queries:

1. In case of conviction under the Stat. 53, Geo. III., Chap. 155, Section CV., should the defendant be allowed any time for the payment of the fine, or should the warrant issue against his property on his failing to pay the amount before he leaves the Court?

2. Has the Magistrate any authority in a case under this Section to detain the defendant or take bail for his appearance until he can ascertain whether he is possessed of property within the district, or must he allow him to leave the Court, and take his chance of being able to apprehend him again, if it should eventually turn out that he has no property?

3. Is the Magistrate bound to employ the Police in searching for the defendant's property, or may he commit him at once, if the defendant fail to satisfy him before leaving Court, that he has property upon which the fine may be levied?

4. Is the process which Mr. Mackillop adopted necessary or correct, that is to say, is attachment and notice indispensable prior to the sale, and was Mr. Mackillop correct in limiting the sale to Moran's rights and interests?

5. Does the Statute contemplate the sale of real as well as of personal* property? It will be seen that the term employed is general.

* The personal property in this case was only of the value of Rs. 35, or thereabouts.

6. Is Mr. Mackillop authorized to use force in dispossessing Moran and putting Cones in possession, or should he give the latter a certificate of sale, and leave him to establish his claim to the property, in the Civil Court, or, generally, in what way, under the circumstances, should Mr. Mackillop give effect to the sale?

7. In the event of Cones failing to obtain possession, would Mr. Mackillop be held reponsible for the amount of the purchase money which Cones has paid in? If so, would he be justified in retaining the money until the result of these proceedings is known?

I have, &c.,
(Signed) E. A. SAMUELLS.

OPINION.

1. In ordinary cases where the Magistrate has authority to impose a fine, and in default of payment *imprison*, the party convicted is called upon presently to pay, and in default is forthwith committed to prison. Under the Statute in question, the power to imprison is only given in default of *property within the District* in which the fine could be levied; so that unless it be at the time of conviction proved before the Magistrate, or confessed by the party fined, that he has no property within the District, an attempt to levy by warrant must be made before the Magistrate can commit the offender. I think that after conviction and demand of the fine, the Magistrate may, in default of payment, immediately issue his warrant to levy the fine, and that default will be incurred if the offender, after demand made of payment, shall quit the Court without making payment.

2. I am of opinion that the Magistrate has no authority, after conviction passed, to detain the defendant, or require bail for his appearance, till *it be ascertained* whether there be property within the District on which the fine can be levied. He can only take bail, under Section CV. in such cases as are therein specified. If, however, it be at the time of conviction proved before the Magistrate, or confessed by the offender, that he has no property within the District, the Magistrate (after recording the proof or confession last mentioned), may, in my opinion, at once commit for the fine.

3. The offender is, in my opinion, not bound upon conviction to disclose his property, or to declare whether he has property or not; but if he either is *proved* or *confesses* to have no property within the District, he may, as already mentioned, be at once committed. If he be known to have property, or if it be doubtful whether he have any within the District, the Magistrate should issue his warrant to levy and deliver it to his Officers for execution in the usual manner. The offender may rebut the proof tendered of his having no property, and give evidence of his having property, to prevent immediate commitment as above, and the Magistrate is bound to receive such evidence if tendered, and should call upon the offender to say whether he has any thing to offer in contradiction of the evidence of no property.

4. I suppose by attachment is meant a *warrant to levy the fine on the property of the offender within the District*, for that is the only process given by the Statute.

Notice of the seizure and intended sale by Public Advertisement, and, if practicable, by service on the offender himself, should, in all cases, be given, and seems to me indispensible, and the shortest notice that should be given is such as is requisite in cases of distress for rent or the like.

5. The word "property" is comprehensive enough to include real as well as personal property. It is probable that personal or chattel interests only were contemplated in the framing of the Act, for at that time, no British subject could hold real *estate (property)*, except by license. But inasmuch as by the terms of the Charter, real property is subjected to *fieri facias*, and is saleable for debts in execution agreeably with personalty, I am of opinion that in default of sufficient

personal property, the Warrant of the Magistrate to levy under the Act (Statute) in question may be executed on the *real property*, if any, of the offender. I am, however, of opinion, that it should be in all cases executed, in the first instance, on the personalty, where any is to be found, for, as the Act makes no provision for the transfer of realty to the purchaser, difficulties may arise as to his title, especially if he sue for possession in Her Majesty's Court. It was correct to sell only the right, title, interest, (or property) of the offender.

6. The Magistrate or his officer may deliver over *personal* property, seized and sold under the Warrant, to the purchasers, but has no authority to dispossess the party in possession of realty, or to deliver possession of it to the purchaser. He must leave him to recover possession by process of law. It may be that the offender has not the right of possession, but only the right of property. The Magistrate should deliver to the purchaser the certificate or other document usually delivered in the Mofussil to purchasers under judicial execution; and there ends his duty.

7. If the executing officer has sold (as he ought) merely *the right, title, or interest, of the offender*, the purchaser has no remedy against the Magistrate, should that right, &c., prove to be moonshine. The risk of what property may be in the offender lies in the purchaser. Of course, I presume that no assurance of title or interest was held out to the purchaser at the time of the sale. The Magistrate having given no guarantee of title, can have no right to retain the surplus, till title be ascertained.

(Signed) C. R. PRINSEP,

Offg. Advocate General.

The 7th January 1852.

No. 470.

Agra, the 14th May 1852.

To the Criminal Authorities in the North Western Provinces.

To obviate doubts and misconceptions which are found to exist upon the subject, the Court are pleased to notify that it has been ruled by them that appeals from the orders of a Magistrate maintaining village chowkeedars in possession of the lands set apart for their subsistence, lie not to the Sessions Judge, but to the Superintendent of Police; and that the same rule is applicable to appeals from orders enforcing payment of their allowances in money or other kinds.

No. 820.

Agra, the 29th July 1852.

To the Criminal Authorities in the North Western Provinces.

With a view to avoid certain anomalies and inconveniences, which have been noticed in the conduct of Criminal Trials in the Sessions Courts, and to ensure uniformity of practice, the Court are pleased to prescribe the following rules for the future guidance of the Criminal Authorities.

2nd. In all commitments for heinous offences, in which the course may be allowed by law, the Magistrate will direct the prosecution to be conducted on the part of Government, and will appoint either the Government vakeel or any other respectable person, to act as prosecutor.

3rd. The trial will be opened in the Sessions Court by the vakeel of Government, or other persons selected as above, who will read a petition from himself, containing the charge or charges upon which the prisoner has been committed in the same words as have been used in the Calendar and Roobakaree of commitment.

4th. The aggrieved parties will appear among the witnesses for the prosecution, and their evidence will be taken in that character.

No. 949.

Agra, the 31st August 1852.

To the Criminal Authorities in the North Western Provinces.

The Court publish for general information the copy of an opinion given by the Advocate General regarding the amenability of British Officers and Soldiers to Magistrates under the Statute 53 George III. Chap. 155, with reference to the provisions of Act IV. George IV. Chap. 81 and Regulation XX. of 1825.

ADVOCATE GENERAL'S OPINION.

The Statute 4 George 4 Chap. 81, although it repealed the next or 106th Section of the Statute 53 George 3 Chap. 155, leaves the 105th Section unrepealed, and the Regulation XX. of 1825, which was enacted by a subordinate legislature, and in my opinion solely with the view of carrying out the provisions of the Statute 4 George 4 Chap. 81, cannot in any way affect the operation of the Statute 53 George 3 Chap. 155.

The Statute 4 George 4 Chap. 81 has been amended and re-enacted by successive enactments 3 and 4 Vic. Chap. 37, and the 12th and 13th Vic. Chap. 43. Under the latter Acts the same power as was formerly conferred upon Courts Martial, distant more than 120 miles from the Presidency, have been continued; but they both contain an express provision that nothing in those Acts contained shall be construed to exempt any officer or soldier from being proceeded against, by the ordinary course of law, a provision which leaves the jurisdiction of the Magistrates under the 53 George 3 Chap. 155, and Act No. V. of 1848 and of the Supreme Courts, wholly untouched.

With respect to offences committed by British Officers and Soldiers, and not falling within the terms of the Statute 53 George 3 or Act V. of 1848, I am of opinion, that they are only cognizable by the Supreme Courts and by Courts Martial, both of which Courts appear to me to have concurrent jurisdiction over British officers, resident beyond 120 miles from the Presidency.

No. 1096.

Agra, the 2nd October 1852.

To the Criminal Authorities in the North Western Provinces.

The Court, having observed that the word *huluf*, which means an oath, is frequently misapplied in recording the evidence of witnesses in the Criminal Courts as the translation of the *affirmation*, substituted for an oath by Act V. of 1840, direct that in future the affirmation be rendered by the corresponding term "*ikrar*" in the vernacular.

No. 1121.

Agra, the 11th October 1852.

To the Criminal Authorities in the North Western Provinces.

The Court are pleased to direct the extension to the Criminal Department of the following rules, in regard to filed stamps prescribed by Circular Order Sudder Dewanny Adawlut, North Western Provinces, No. 981, dated 25th May 1843.

All stamps filed and not liable to be returned are to be punched.

In old cases, the duty is to be performed by the Serishtadar of the Zillah Court, but under the supervision of the Judge.

In pending cases, the punching is to be effected by the same officer after decision and before consigning them to the record office.

Stamps which may be now filed will be punched by the Serishtadar or other officer receiving it, and Judges of all grades when signing the order for filing, are to see that the rule is observed.

Blank stamps which are filed to make up for deficient value of any petition, &c.

In old cases, such stamps are to be destroyed by the Zillah Judges, and a certificate of the fact endorsed on the principal stamp.

In pending cases, the same course is to be followed after decision and before consigning them to the record office.

CIRCULAR ORDERS

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES,

FOR 1852.

LAND REVENUE DEPARTMENT.

No. 1.

To all Revenue Authorities, North Western Provinces.

Dated Agra, the 2nd January 1852.

Sales of Land in execution of decrees. Board direct attention to Notification No. 1649, dated 12th December 1851, and desire that no sale under Act IV. of 1846, be held during the Dusserah and Mohurrum Vacations.

The Sudder Board of Revenue, North Western Provinces, are pleased to direct the attention of the Revenue Authorities, North Western Provinces to the Notification of the Sudder Dewanny Adawlut, No. 1649, dated the 12th December 1851, and published in the Gazette of the 30th idem, and to desire that, in conformity with the additional Rule therewith promulgated, no sale under Act IV. of 1846 be held for the future, during the Dusserah and Mohurrum vacations.

LAND REVENUE DEPARTMENT.

No. 2.

Dated Agra, the 6th January 1852.

Half yearly Statements of Work performed by Deputy Collectors. Board direct that the Returns be for half yearly periods of the Calendar instead of the Official year, and that they be submitted within two months after date.

With reference to paragraphs 76 to 78, Part III. Vol. of Revenue Circular Orders, the Sudder Board of Revenue, North Western Provinces, request, that Commissioners of Divisions will for the future be pleased to submit Statements of work performed by Deputy Collectors, under Regulation IX. of 1833, for half-yearly periods of the Calendar year, instead of as at present for portions of the Official year.

2nd. The first set of the returns now prescribed, should embrace the whole period from 1st July to the end of December 1851, although the Statements now in course of submission, include so much of that period as expired at the close of October last.

3rd. The half-yearly Statement should always be forwarded by Commissioners so as to reach the Board within two months after date; that is, before the end of February or August.

Revenue Notification.

Dated Agra, the 9th January 1852.

Revenue Advertisements.

Those intended for the Government Gazette, should be posted, on or before the Thursday, or at latest the Friday, preceding the issue in which it is intended they should appear.

Revenue advertisements, intended for the Government Gazette, should be posted so as to reach Agra on or before the Thursday, or at latest the Friday, preceding the issue in which it is intended they should appear.

All papers forwarded later than as above specified, are likely to lie over for a subsequent issue.

Land Revenue Department.

No. 3.

To the Commissioners of Revenue, North Western Provinces.

Dated Agra, the 15th June 1852.

Management of Estates under attachment by orders of the Courts.

The Board issue instructions in addition to those contained in paragraph 298, Directions to Collectors, (new edition,) with a view to secure uniformity of practice.

The Sudder Board of Revenue, North Western Provinces, have reason to believe that diversity of practice exists as regards the management of lands attached by orders of the Civil or Criminal Courts. They accordingly direct attention to paragraph 298 of the Directions to Collectors, new edition, on the subject, and are pleased to add the following instructions.

2nd. The Commissioner will require an annual report from each Collector in the Division, of all lands in his district, thus held under attachment, together with the Jumma Wasil Bakia Statement,* (omitting the column for Tuccavee) prescribed for Estates held kham in behalf of Government. This report and statement is to be furnished at the close of each official year, and should contain full information as to outstanding balances as well as the charges which have been incurred in the management.

* Appendix to Directions to Collectors, No. VIII. page 364 (new edition).

3rd. The Commissioner after calling for such further information as he may consider required, will pass the accounts and return them to the Collector. That officer will then forward them to the Court which ordered the attachment, and desire instructions, if necessary, regarding the surplus funds in deposit.

4th. Particular attention should be paid to the subject of seer lands in Estates thus held. Unless it is distinctly ordered otherwise by the Court which directs the attachment, the *seer* land should be assessed at rates somewhat lighter than those paid by common cultivators, and the payment of the rent thus fixed, should be rigidly enforced by all legal methods.

5th. The Board do not require that the returns above prescribed shall be regularly forwarded to them, but desire to be informed of any peculiar cases or circumstances, which the Commissioner may judge should be brought to their notice.

LAND REVENUE DEPARTMENT.

No. 4.

To all Commissioners of Revenue, North Western Provinces.

Dated Agra, the 10th August 1852.

Promotion of general Education.

Board communicate instructions as to the measures to be adopted for the purpose, and state what the minimum qualification of applicants should be in order to render them eligible for the appointments of putwaree and lumberdar.

The Sudder Board of Revenue, North Western Provinces, direct attention to the Notification of Government, No. 1098, dated 8th June 1852, published in the *Agra Government Gazette*, No. 25, dated 22nd June 1852, on the subject of measures to be adopted for promoting general Education, and especially to the fourth paragraph which relates to the appointment of putwarees and lumberdars.

2nd. As regards putwarees, the Board consider that the following may be assumed as the minimum qualification which such officers should possess. First, the power of reading fluently, and of writing legibly, the Hindee Language in the Nagari character; or the Oordoo Language in the Persian character, where that is the language of the agricultural population, and the Collector may not consider a knowledge of Hindee to be necessary. Secondly, an acquaintance with Ram Surrun Dass' four books, or with any other Manual which may hereafter be prescribed in supercession of them. Thirdly, the ability to measure land correctly according to the usual native method, to draw out a fair khusrah and moontukhib, and to prepare a field Map on a given scale.

3rd. The progress made towards the general enforcement of this standard is to be noted annually in the Administration Reports. For this purpose a list of all the putwarees in the District will be kept up in Oordoo, with three columns for the three headings mentioned in the preceding paragraph. These columns will be filled up, opposite each name, with the words "qualified," "partially qualified," "unqualified," as the case may be. The duty of preparing these lists will devolve in the first instance on the Tehseeldars and Canoongoes, but the Collector should take every opportunity of testing the accuracy of the entries. Pergunnahwar Abstracts of these lists in English will accompany the annual Administration Report, and the Collector will state in that Report what steps he has taken to ascertain the correctness of the classification.

4th. Putwarees at present in Office are to be told that their retention of their posts will depend on the advancement they may make in acquiring the prescribed qualifications. In the eight Districts under the Visitor General of Schools, one year should be the longest period allowed for this purpose. In other Districts, the Collector will exercise his discretion on this head, being guided by the means which may be available to the putwarees for obtaining instruction. Where these are scanty or imperfect, the Collector should endeavor to supply teachers as has been already done in several places.

5th. In the eight Districts above mentioned, the possession of qualifications according to the fixed standard is to be considered an indispensable condition of all new appointments made after the expiration of six months from the date of these orders. In other Districts, the Collector must determine according to circumstances, what degree of knowledge is for the present to be strictly required. The Board however do not think it desirable that the candidates of highest attainments shall invariably be selected for these offices. It will be better to give the preference to

the heir of the former incumbent, or to the nominee of the zemindar, unless these are so deficient as to render their exclusion unavoidable under these rules.

6th. The Visitor General of Schools will be requested to instruct the Zillah Visitors, employed under him, to examine any putwaree, or any aspirant to that office, either on the application of the party himself, or at the request of the Collector, and to grant Certificates to those who may pass the test successfully; these Certificates will entitle the holders, if now in Office, to be registered as qualified in the Tehseeldar's lists, and they will relieve those, who are only candidates for the Office, from any further question on that score. The Collectors in the eight districts will consider it discretionary with themselves either to require such Certificates from incumbents and candidates, or to take other methods for testing their proficiency. They may also arrange with the Zillah Visitors for a systematic examination of all the putwarees in the District, if they judge such a measure to be expedient in order to carry out the objects of this Circular.

7th. As regards lumberdars it must first be considered, on the occurrence of a vacancy, whether the Officers of Government can exercise any choice as to the mode of filling it up. In Estates held by only a small number of sharers, it is probable that the succession must be ruled on other grounds than those of personal merit. It is only where the number of sharers is considerable, and the principle of election prevails, that the qualifications of the candidates can ordinarily be taken into account. Even in these cases, difficulties may exist in the way of carrying out any fixed rule. In the Settlement agreements, it should always have been provided that though the election of a lumberdar rested with the community, the Collector had a veto on the nomination, and the Board believe that this provision, when not expressed, was generally well understood; still cases may arise, in which the sharers may insist on their absolute right to nominate their own representative, and in which the Collector may not see sufficient grounds on which to oppose this claim, though he does not concur in the propriety of the choice. It may more often happen that one particular person is so much better fitted than any other, by position, influence, or general character, for the vacant post, that neither the Collector nor the brotherhood could wish to pass him over, deficient as he may be in literary acquirements. To do this indeed, might, under some circumstances, disturb the peace of the village, and be ruinous to its prosperity.

8th. In a large class of cases, therefore, it may not be possible to carry out the wishes of Government in this respect. Still, however, the Board think that opportunities enough will remain of showing to the people what extent of knowledge it is expected that a lumberdar should possess. The minimum qualification should be the power of reading and writing Hindee in the Nagari character with some facility, together with such a knowledge of accounts and business, as may enable him to understand the putwaree's books and papers, and the ordinary transactions with the village banker. So much should be insisted upon on all occasions, on which a discretion rests with the Collector, and when that discretion can be exercised without evident danger of evil results. An impression will thus be created, which should be encouraged by all means, that before long, this degree of knowledge will be considered an indispensable qualification for the office. If one or two or more candidates is further acquainted with Oordoo or Persian, and can write petitions and understand Official proceedings in the former language, such weight, as circumstances may allow, will also be given to these additional advantages. In some parts of the country, the knowledge of Oordoo may be accepted in the place of an acquaintance with Hindee.

9th. The Tehseeldars should also keep up registers of the lumberdars in their pergunnahs, with remarks on the knowledge at present possessed by each. The

yearly enquiry necessary for keeping up this register will have an useful tendency, and the means will thus be afforded, some years hence, of judging how far progress has been made. The Board do not require any abstract of these registers, but will be glad to receive any observations which the Collectors may desire to make on the general subject in their annual reports.

REVENUE NOTIFICATION.

Dated Agra, the 24th August 1852.

The Sudder Board of Revenue, North Western Provinces, having discovered an omission in the amended translation of Act I. of 1845, which was published by their order in the *Agra Government Gazette* of 30th May 1848, notify the same for public information. In Section VI. between the words "neelam," and "pundrah," the following sentence should be inserted, "oos tareekh se jis pur ishtihar Sahib Collector ya doosre uhdedar muzkoor bala ke mahkumah men lugaya geea."

Act I. of 1845.
Supplies an omission in the translation of Act I. of 1845, published in the *Agra Government Gazette* of 30th May 1848.

LAND REVENUE C. O. No. 5 OF 1852.

To the Commissioners of Revenue, North Western Provinces.

Dated Agra, the 5th October 1852.

The Sudder Board of Revenue, North Western Provinces, having ascertained that the Judicial authorities prefer to have the accounts of estates held under attachment by their orders prepared according to the Fuslee, instead of the official year, are pleased to sanction the amendment of their Circular, No. 3 of 1852, dated 15th June.

Amendment of Circular No. 3 of 1852, dated 15th June, regarding the management of estates under attachment by orders of the Courts.

2nd. The Report and Statement alluded to in the second paragraph of that Circular, will be prepared for the Fuslee year, and furnished to the Commissioner to the close of it.

LAND REVENUE C. O. No. B. OF 1852.

To the Commissioners of Delhie, Meerut, Rohilcund, Kumaon, Agra, Allahabad, Benares and Saugor.

Dated Agra, the 27th February 1852.

The Sudder Board of Revenue, North Western Provinces, direct me to forward for your information and for communication to the local officers in your Division, copy of a letter addressed by the Secretary to Government, North Western Provinces, to Lieutenant Colonel Cautley, Director of the Ganges Canal, No. 730, dated 19th instant, regarding the remuneration which the owners of land may claim for kunkur and koora, or refuse, obtained from their estates.

Remuneration for kunker and koora of the Ganges Canal.
Board forward for communication to the local officers copy of letter No. 730, of 19th instant, from Secretary to Government, North Western Provinces, to Colonel P. T. Cautley and observe that though the orders have reference to works of the Ganges Canal, the principles laid down are of general application.

2nd. These orders have reference primarily to the works of the Ganges Canal and the Districts through which it passes, but the principles laid down are of general application wherever road-making or other public works of every description may be in progress.

COPY OF GOVERNMENT ORDER No. 730 OF 1852, DATED 19TH FEBRUARY.

Addressed to Lieutenant Colonel P. T. Cautley, Director Ganges Canal Works.

I am desired to acknowledge receipt of your letter dated 29th January 1852, on the subject of remuneration claimed for kunkur in the Mynpoorie district. The same subject is discussed in paragraph 75 of your inspection report on the 4th Division Ganges Canal for 1851-52, forwarded through me to the Military Board; in that passage you also refer to the somewhat parallel cases of koora or refuse used in burning bricks.

2nd. The Lieutenant Governor desires me to observe, that there can be no question that kunkur found on any estate belongs to the proprietor of that estate. It is a manorial right included under the head of Sayer, as an item in the contract between the Government and the proprietor at the time of settlement, every proprietor has a right to quarry the kunkur himself, and to use or sell it. He has also a right to prevent others, except under certain circumstances, from quarrying the kunkur without his consent.

3rd. In the same way koora is private property, belonging, according to custom, either to the person in whose yard it is found, or to the community in whose village it is collected. The proprietors are at liberty to use or sell this koora as they please. No one can remove it without their consent.

4th. The Canal Officers are therefore not justified in assuming the right of the Government, either to kunkur or to koora, and in removing them without the consent of the parties. By so doing of their own authority they lay themselves open to prosecution in the Criminal Courts for trespass and in the Civil Court for damages.

5th. If kunkur is required for public purposes, and the proprietor will not voluntarily suffer its removal, the land where it is produced can be taken possession of under Regulation I. 1824, and the kunkur can then be removed. When this has been done, the land may be restored to the proprietor.

6th. There is no law which compels the proprietor of koora to surrender that, any more than other personal property. A supply of koora can only be obtained by fair competition in the market on the ordinary principles of supply and demand.

7th. You are probably correct in supposing that neither kunkur nor koora have hitherto been the subject of sale or purchase. These articles are found in abundance, they have hitherto been in small demand, and the people are little acquainted with the rights conveyed to them by the present system of Land Revenue Administration. It is natural to suppose that the large demand lately created for both these articles, more especially by your own extensive operations in the formation of the Ganges Canal, gives a value to them which they did not before possess. Instances in Europe of a similar rise in the value of articles, which were formerly worthless, must be familiar to you. It is a result on which you have reason to pride yourself. The rise in value of all kinds of property, consequent on your operations, is one of the best indications of the benefit you are conferring on the country.

8th. Evidently this will add to the cost of your works, perhaps even more than you anticipated. You have but to state the circumstance, and the reasonableness of the increased charge will be considered sufficient warrant for incurring it. The great object of every well regulated Government is to render all property secure and valuable. The Government will not shrink from the acknowledgment of a result at which it uniformly aims.

9th. It does not however necessarily follow that the recognition of these principles will cause any very great enhancement of the rates of your work. There are few competitors with yourself in the market for kunkur. It is to be hoped that

you will not often find recourse to Regulation I. 1824 necessary, in order to procure a supply of the article. The land proprietors take a great interest in the work you are executing, and are not likely to afford factious opposition to your proceedings. They should always be consulted, and their permission solicited before the quarries are opened. They will generally be ready to accede to any reasonable offer which may be made to them, and you will find the Civil Officers prepared to mediate, and effect a composition. But you should prohibit your officers from hasty or violent proceedings, which will only irritate the people and produce the bad feeling, which you should be anxious to avoid.

10th. Koora has been hitherto often considered worthless litter, the removal of which would be a benefit rather than otherwise to a village. Where such is the case the proprietors will probably assent immediately to your application for permission to remove it. But where the koora is valuable as manure, your officers cannot be permitted to remove it, except with the consent of the proprietors, for such consideration as they may choose to demand. Probably you may be able to find a contractor willing to furnish you with koora at your brick kilns at a certain rate, which would cover the payment to the proprietor, as well as the cost of carriage. In this negotiation the Civil Officers may assist you by their mediation and influence, but these will not be effectual unless your own officers second these efforts by considerate and conciliatory proceedings on their own part towards the people.

12th. You will perceive that the Lieutenant Governor considers the Officer alluded to, to have acted inconsiderately in quarrying kunkur without the consent of the zemindars. He was perhaps betrayed into this by the absence of any active opposition to his first proceedings. He should endeavour now to compromise the matter to the best of his ability, and he should be more guarded in his future operations.

13th. A copy of this letter will be sent to the Military Board and to the Sudder Board of Revenue.

Land Revenue C. O. No. E. of 1852.

To the Commissioners of Revenue, Delhie, Meerut, Rohilcund, Agra, Allahabad and Benares Divisions.

Dated Agra, the 11th May 1852.

Awards of proprietary right in farmed Estates.

Board point out that under the terms of the Government Notification, dated 28th November 1851, published in the Agra Gazette of the 2nd December 1851, the decision of these cases is left to the Collector, his proceedings being subject to the usual appeal, that those cases only need be reported on which final orders are required, or on which appeals may have been presented to the Superior Revenue Authorities.

The Sudder Board of Revenue having received several reports and statements of awards of proprietary right in farmed estates made under the terms of the Government Notification dated 28th November 1851, No. 4158, published in the Agra Gazette of 2nd December 1851, direct me to point out that this Notification leaves the decision of these cases to the Collector, his proceedings being subject to the usual appeal.

2nd. There is no occasion for the Collector to report his proceedings in detail. He is competent to decide the cases himself, leaving any dissatisfied party to appeal. It would only be in instances where the local officer was in doubt how to proceed, or where from any cause special orders from Government were needed, that he should state the circumstances and ask for instructions.

3rd. You are requested to communicate these remarks to the Collectors of your Division, in order that no unnecessary reports may be submitted to you or through you to the Board.

4th. I am desired to add, that the abstract statement prescribed by the Government Notification, will of course be furnished regularly till all the cases are disposed of.

LAND REVENUE C. O. No. I. OF 1852.

To the Commissioners of Revenue, Delhie, Meerut, Agra, Rohilcund, Allahabad, Benares and Saugor.

Dated Agra, the 18th June 1852.

Settlement of resumed rent-free patches of land.

The Board issue instructions in order to ensure uniformity in the settlement of resumed rent-free patches of land.

The Sudder Board of Revenue, North Western Provinces, having observed great discrepancy in the mode of effecting summary settlements of lapsed maafee tenures, and other similar detached portions of land, desire me to circulate the accompanying specimen of the mode in which they wish such settlement to be made and reported.

2nd. The statement enclosed differs, you will observe, from the one hitherto in use. The headings and numbers of the columns subsequent to No. 13 have been altered in the manner marginally noted.* The form as thus altered has been entered on the Board's list of sanctioned printed forms as No. 142, and will be procurable by indent in the usual way.

*Proposed demand from resumed land.	Allowance to Zemindars.	Net Government Jumma.	Total Jumma of Estate.	Remarks.
14	15	16	17	18

3rd. The entry in column 13, or the jumma of the resumed land at half asset rates, is thus obtained. One-half added to the jumma at average rates, entered in column 12, gives the computed rental, and half of the sum thus calculated should be entered in column 13.

4th. This is however only for the purpose of check and comparison. Enquiry should be made with regard to the quality of the land under settlement, and the Pergunnah Officers should be called upon to report, after personal inspection, what rental it yields or might yield. The sum finally demanded is to be regulated accordingly, a brief explanation being given in the column of remarks as to the party with whom the settlement has been made, and the grounds on which the demand has been fixed, when this last differs from that indicated by the average rates.

5th. Where the land is settled with any one, except the zemindar of the village, the whole sum payable by the occupant is first to be determined and entered in column 14. From this 10 per cent. is to be deducted for the zemindars in return for the risk and trouble of collection, and the remainder entered in column 16, as the net Government jumma to be added to the jumma of the estate.*

6th. The Board desire that all future reports of summary settlements of this kind may be carefully reported according to the specimen now furnished.

* *To Saugor only.* This rule will only take effect when the jumma of the resumed land does not exceed Rs. 100. Where it is more than that sum, the land should be made into a separate mehal, and the ex-maafeedar should pay direct to Government without any deduction.

Statement of Resumed Maafee Lands summarily settled in Zillah

Pergunnah.	Number.	Village.	Jumma.	Resumed Land open to Settlement.						Jumma rate per acre on the cultivated area of the mouzah.	Jumma of the resumed land according to the mouzah average rate	Jumma of the resumed land at half asset rates.	Proposed demand from resumed land.	Allowance to zemindars.	Net Government jumma.	Total jumma of estate.	Remarks.
				Total area in acres.	Barren.	Culturable.	Cultivated. Irrigated.	Cultivated. Not irrigated.	Total Cultivation.								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Kurhul.	27	Rajpoor,	1000	18-2	2	4	0	12-2	12-2	2 3 6	27 11 9	20 12 9	21 0 0	2 0 0	19 0 0	1019 0 0	The settlement has been made with the ex-maafeedar at half asset rates, which I have ascertained to be suitable to the quality of the land
Rapoor.	15	Pherlor,	827	8	0	0	3-2	4-2	8	3 1 0	24 8 0	18 6 0	12 0 0	1 0 0	11 0 0	838 0 0	The settlement has been made with the ex-maafeedar. As the land rents altogether for only 24 rupees, I have fixed the entire demand at only 12 rupees.
Rapoor.	18	Faizabad,	305	198	0	2	6-1	11-2	17-3	2 11 5	48 2 7	36 1 11	48 0 0	0 0 0	48 0 0	353 0 0	As the maafeedar never had actual occupancy of this land it has been settled with the zemindar at full rates As it has been always in seer cultivation, I have been unable to ascertain the rental, but the tehseeldar reports after inspection that the sum demanded is suitable.
Rapoor.	22	Osmanpoor.	1121	11	3	0	0	8	8	2 8 0	21 4 0	15 15 0	12 0 0	0 0 0	12 0 0	1133 0 0	Settled as in the last case with the zemindar, I have however ascertained that the land is of poor quality, and can rent for no more than about Rs. 15, of which two-thirds have been taken as the jumma.
Elite.	120	Ballie, ...	211	13-1	0	1-2	5	6-3	11-3	2 5 6	27 8 7	20 10 5	25 8 0	2 8 0	23 0 0	234 0 0	Settled with the ex-maafeedar, who has been in the habit of leasing it out to cultivators at a rental of Rs 51. He will therefore be well able to pay a demand of Rs. 25-8.

Land Revenue C. O. No. J. of 1852.

To the Commissioners of Revenue, of the Delhie, Meerut, Agra, Rohilcund, Allahabad and Benares Divisions.

Dated Agra, the 25th June, 1852.

The Sudder Board of Revenue, North Western Provinces, in continuation of their recent Circular E., dated 11th ultimo, desire me to bring to your notice that the Notification of Government, dated 28th November 1851, No. 4158, was intended to apply only to assessed and cultivated mouzahs with fixed boundaries, in which the proprietary right had remained with Government, because it had never been adjudged to belong to any private party.

Award of proprietary rights in farmed Estates.

The Board exclude from the operation of the Government Notification, dated 28th November 1851, estates having much waste land and estates of which the proprietary right has been vested in Government by transfer.

2nd. The Collectors of your division should be prohibited from disposing of the proprietary right in any mouzahs containing unmeasured forest lands, or of which the culturable waste land materially exceeds 50 per cent. of the cultivated area.

3rd. Nor should they take up cases under that Notification in which the proprietary right having been once vested in private hands has since been transferred to Government by sale for arrears or otherwise.

4th. The sanction of Government must be obtained on special report before estates coming under either of the limitations above stated can be disposed of.

5th. In communicating these instructions to the Collectors of your division you will direct them to suspend the execution of any decisions which they may have passed in such cases as are above noticed, and to report them separately through the usual channel for the orders of Government.

CUSTOMS DEPARTMENT.

Customs C. O. No. 1 of 1852. Stamps.

To the Collectors of Revenue, North Western Provinces.

Dated Agra, the 29th June 1852.

Stamps.

Board point out the difference between leases granted in consideration of an advance to be repaid, and leases given in consideration of a fine or premium, and request that the distinction between the two classes of documents may be carefully observed for the future.

The Sudder Board of Revenue, North Western Provinces, have learnt that cases repeatedly occur in which leases granted in consideration of an advance *(zurpeshgee)* to be repaid, are forwarded by Collectors to the Superintendent of Stamps, with a recommendation that they should be stamped under Act XXX. Schedule A, Regulation X. of 1829, as leases granted in consideration of a fine or premium *(pun* or *sulamee.)*

2nd. But a lease granted in consideration of an advance, *to be repaid*, partakes of the nature of a mortgage, and is liable, under Acts XXIX. and XXXV. of the Schedule, to a stamp duty equal to the duties chargeable upon it both as lease and mortgage, the former being calculated according to the annual rent and period of the lease, and the latter according to the amount of the advance.

3rd. The Board desire that the distinction between the two classes of documents may be carefully observed for the future.

Customs C. O. No. 2 of 1852. Abkaree.

To the Collectors of Revenue, North Western Provinces.

Dated Agra, the 2nd July 1852.

Import and Transit of Churrus.

The Board issue instructions to regulate the import and transit of Churrus in the North Western Provinces.

The Sudder Board of Revenue, North Western Provinces, are pleased to publish for general information the annexed copy of an order, dated 6th November 1851, No. 2094, issued by the Board of Administration for the affairs of the Punjab, with a view to regulate the import of Churrus from Peshawur, or elsewhere, into British Territory.

2nd. The Board, with the sanction of Government, desire that the course enjoined upon the District Officers in the Punjab may be followed by Collectors of Revenue under their authority, whenever despatches of the drug are brought through their jurisdiction.

3rd. If the persons in charge of the drug wish to alter its destination to any other place than that mentioned in the pass, the Collector will cancel the old pass, and grant another instead. If it is desired to divide the despatch so as to convey part to one place, and part to another, two passes will be granted. At the final place of destination, the pass will be retained by the Collector, and placed among his records for future reference, if such should be necessary.

4th. If the trader desires to sell any part of his stock at an intermediate place, the Collector will note the transaction on the pass, so as to show how much remains covered by that document. The quantity actually in transit should be compared with that covered by the pass on each occasion of a Collector's countersignature being required.

5th. The parties should be warned that any sale, except to a licensed vender, will make them liable to the penalties of the Excise Laws.

No. 2094 of 1851.

From P. Melvill, Esq., *Secy. to the Board of Administration,*

To R. Montgomery, Esq., *Commissioner and Superintendent,*

Lahore Division,

Dated Lahore, the 6th of November 1851.

I am directed to acknowledge the receipt of your letter No. 584, of the 6th ultimo, with enclosure, regarding Merchants bringing Churrus into the Punjab, in ignorance of the Excise Regulations.

2nd. The Board request that you will make known by proclamation in your Division that Merchants who purpose to carry Churrus into the Punjab from Peshawar or any frontier Station, must procure a pass from the District Officer of that Station, and that this pass must be taken for countersignature to every district Officer into whose district the merchant may enter with the Churrus.

3rd. The article, its quantity and destination, should be described in the pass. The district Officer will affix his official seals to the package, and if the package is afterwards found open, and the owners selling any Churrus, the whole will be liable to confiscation, and the owners will incur the penalties of the Excise Laws. It must be distinctly explained that the pass will have force only within the Territory subject to the Board of Administration.

Customs C. O. No. 3 of 1852. Stamps.

To the Collectors of Revenue, North Western Provinces.

Dated Agra, the 9th July 1852.

Stamps.

Board call attention to certain instructions issued by the Board of Revenue of the Lower Provinces, regarding the return when desired of money paid for the stamping of an unstamped or insufficiently stamped document.

The Sudder Board of Revenue, North Western Provinces, desire the attention of the Collectors of Revenue under their authority to the following instructions issued by the Board of Revenue of the Lower Provinces, regarding unstamped or insufficiently stamped documents.

"When a party has applied to a Collector to have an unstamped or insufficiently stamped document impressed with the requisite stamp, and has paid into the Collector's hands a sum of money by way of penalty for the same as required by Section 14, Regulation X. 1829, he is not entitled to a return of the penalty, though he should change his mind before the stamp is affixed.

"2nd. Ordinarily, therefore, no part of the sum paid as penalty will be refunded, but the document will be returned to the holder, stamped with the additional value for which penalty has been paid, or unstamped, as he may prefer.

"3rd. But where application is made, and penalty paid for a stamp which is believed to be sufficient to render a document valid, and it is afterwards found that a higher stamp and a further penalty is required for the purpose, it is at the option of the holder, either to pay the further penalty, or to receive back the penalty he previously paid under a misapprehension.

"4th. Compound deeds, however, such for instance as a lease and mortgage which, to have full validity, must be charged with more than one rate of stamp duty under different articles of Schedule A, Regulation X. 1829, will, for the purposes of this rule, be considered separately in each character. That is to say, if penalty is paid for stamping such a document only as a lease, the penalty will not be returned, because a further stamp is found necessary to cover the mortgage, but it will be optional with the holder, either to receive back his document stamped only as a lease, or by paying a further penalty to have it stamped also as a mortgage."

No. B.

To the Commissioners of Delhie, Meerut, Agra, Rohilcund, Allahabad, Benares and Saugor.

Dated Agra, the 5th November 1852.

Charge of Stamps.
Board direct attention to the orders of the Board of Revenue, Fort William, No. 12 of 1852, dated 4th June, regarding the charge of stamps.

The Sudder Board of Revenue, North Western Provinces, desire me to forward for the information and guidance of yourself and the Local Officers of your Division, the accompanying copy of a Circular No. 12 of 4th June, (with Appendices), issued by the Board of Revenue, Lower Provinces, regarding the custody, issue and transfer of stamps.

2nd. These Rules should be followed by all officers having the charge of stamps, and their particular attention should be directed to Rule XI. and Appendix No. 3 therein referred to. This Appendix was forwarded to you with the Board's former Circular A. of 1849, dated 17th August.

ENCLOSURE.

Copy of Circular issued by the Board of Revenue, Lower Provinces, dated 4th June, No. 12, with Appendices.

No. 12.

To Commissioners of Revenue.

Fort William, the 4th June 1852.

I have the honor by direction of the Board of Revenue, to forward for your guidance and that of your subordinates the accompanying Rules to be observed by officers in charge of stamps.

2nd. The Circular Orders of the Board of Revenue, dated 20th April 1813, and 28th October 1814; the Circular Orders of the late Board of Customs, Salt and Opium, dated 27th July 1829, 23rd July 1830, and 8th October 1842; and so much of the Circular Orders of the same Board, dated 10th August 1831, 19th September 1834, and 29th October 1836, as relates to stamps are hereby superseded.

RULES.

I. The bulk of stamped paper in store shall be kept in parcels of known quantities in the Treasury, or other secure place, in one or more strong chests or presses under double locks, the key of one lock of each chest or press always remaining in the hands of the Collector, or of the Deputy or Assistant Collector in charge of the stamps, and the key of the other in the hands of the Treasurer.

II. The remainder of the stamps in store shall be in the hands of the Treasurer, and shall not exceed the probable demand of one month, estimated according to the average of former sales.

III. The Treasurer shall keep a Daily Book* of receipts and issues in the Native language, in which the transactions of each succeeding day shall be entered consecutively, a balance being struck at the close of each day, and attested by the initials of the Collector or other officer in charge of the stamps.

* Appendix No. 1, Form A.

IV. On the 1st open day of each month, the Treasurer shall prepare in the Native language, and submit to the Collector or other officer in charge of the stamps an indent* for a supply of stamps for that month. Before complying with the monthly indent, the officer in charge of stamps shall examine the balance of stamps in the hands of the Treasurer, and see that it agrees with the account and indent. The indent after being approved or altered by the officer in charge of the stamps, shall be signed by him and complied with as directed in the following rule. The indent thus signed will be the warrant for the issue of the stamps

* Appendix No. 1, Form B.

V. The Collector or other officer shall cause the store under double locks to be opened, and the required quantity of stamps to be counted and delivered to the Treasurer in his presence. A store* book shall be kept in English, in which the number and value of stamps delivered to the Treasurer or Stamp Darogah shall be entered, and a balance struck at the time of delivery. This balance will be attested by the initials of the Collector or other officer in charge, and of the Treasurer, *both of whom shall invariably be present during the whole time that the store under double locks, or any part of it remains open.* The deliveries shown in the store book will agree with the indent as approved.

* Appendix No. 1, Form C.

VI. If the Treasurer requires stamps at any intermediate time, the same process will be observed as is prescribed in the two preceding rules.

VII. Stamps will be supplied from the store under double locks *only* to the Treasurer, and on indent from him. All sales and all supplies to licensed venders, must be made from the store in the hands of that officer. If any person desires to purchase even one stamp of whatever value from the store under double locks, it must be supplied first on indent to the Treasurer, and by him to the person requiring it.

VIII. Collectors will indent periodically on the stamp office for the supply of stamps, in the manner prescribed in the Circular from the Superintendent of Stamps, No. 485, dated the 2nd May 1843.* Indents are to be forwarded whenever the stock of any value of stamp in store is not equal to more than the estimated demand for three months, calculated on the average of sales in the preceding twelve months. If by any accident the stock of stamps of any value should run short before the receipt of a fresh supply from the stamp office, Collectors are to indent on neighbouring districts for a quantity sufficient to meet the demand, which may be supplied or not according to the discretion and on the responsibility of the officer indented upon, with reference to the wants of his own district.

* Appendix No. 2.

IX. The practice of receiving on plain paper, together with a money payment, documents which ought to be written on stamped paper, is strictly prohibited. If the stock of stamp paper of any value should run short, either through neglect to make timely indent on the stamp office, or through an improvident supply of stamps to other Districts, the Collector or officer in charge of stamps will be held personally responsible for any loss that may be sustained by the Government in consequence. It will be the duty of the Superintendent of Stamps to report to the Board all occasions on which it may appear from the monthly statements, or otherwise, that the store of stamps of any particular value in any District has been exhausted.

X. As soon as possible after the arrival of a despatch of stamped paper from the stamp office, or from any other District, the packets or boxes are to be opened one at a time in the presence of the Collector or officer in charge of stamps. The stamps contained in each box or packet are then to be immediately counted, those

of eight rupees value and upwards by the Collector or officer in charge of stamps in person, and those of less value in his presence. Unless the Collector or officer in charge of stamps can certify that the stamps contained in any given packet or box were *immediately* and *first* counted either by himself personally, if the stamps be of eight rupees value or upwards, or in his presence, if of less value than eight rupees, he will be held responsible for the value of any that may be found deficient. The stamps are then to be placed in the store under double locks, and entered in the store books, and no stamps are to be delivered to the Treasurer or sold to any party without being first brought into store.

XI. Collectors may make over charge of the stamps to any Covenanted Assistant, or to any Deputy Collector under Regulation IX. of 1833. But on each occasion of transfer of charge, the course prescribed by the Circular of the Board of Customs, Salt and Opium, No. 1340, dated the 31st July 1849, is to be carefully observed.*

* Appendix No. 3.

XII. Collectors or other officers in charge of stamps, will also have the stamps in store, both those under double locks, and those in the hands of the Treasurer, counted in their presence on the last open day of October and April in each official year, and will certify having done so in the following terms, at the foot of the Monthly Abstract Account of receipts and issues* for those months, furnished to the Superintendent of Stamps.

* Appendix No. 1, Form D.

"I do hereby certify that I have personally counted the stamp papers in store on 185 the actual value of which is rupees [*here enter the amount in words and figures*], and that the rules prescribed in the Circular of the Board of Revenue, No. 12, dated the 4th June 1852, are duly observed."

"I do also certify that I have compared the balance as shown by this account with the balance shown in the Memorandum at foot of the Monthly Cash Account of this Office for 185 and that the two agree."

A Half Yearly Abstract Account of receipts and issues of Stamps, in the same form as the Monthly Abstract, and with the same certificate at foot shall be furnished at the close of October and April in each official year to the Commissioner.

XIII. Any deficiency that may be discovered in the store of stamps shall be immediately reported, both to the Superintendent of Stamps and to the Commissioner of the Division, Collectors shall also continue to forward to the Commissioners of Revenue the annual statement* of outstanding balances, and if there be a balance outstanding in any District, the Commissioner shall report it to the Board.

* Appendix No. 1, Form E.

APPENDIX No. 1.

FORM A.

Treasurer's Daily Book of Receipts and issues *(to be kept in the Vernacular language)*.

Dates.		1 Anna.	2 Annas.	4 Annas.	8 Annas.	12 Annas	1 Rupee.	1 Rupee, 8 annas	2 Rupees.	2 Rupees, 8 annas	4 Rupees.	6 Rupees.	8 Rupees.	10 Rupees.	12 Rupees.	12 Rupees, 8 annas	16 Rupees.	20 Rupees.	25 Rupees.	37 Rupees, 8 annas	40 Rupees.	50 Rupees.	62 Rupees, 8 annas	75 Rupees.	87 Rupees, 8 annas	100 Rupees.	125 Rupees.	150 Rupees.	175 Rupees.	250 Rupees.	350 Rupees.	500 Rupees.	700 Rupees.	1000 Rupees.	1500 Rupees.	Total number of stamps.	Total value Rupees.
1851.																																					
1st May, ...	Balance of last month, ...																																				
1st May, ...	Received, ...																																				
	From Store under joint key, ..																																				
	From Venders, ...																																				
	From, &c., ...																																				
	Total, ...																																				
2nd May,	Expended, ...																																				
	Sold on Discount, ...																																				
	Sold without Discount, ...																																				
	Returned into store, ...																																				
	Balance, ...																																				
	Received, &c., ...																																				

APPENDIX No. 1.

FORM B.

Treasurer's Indent on the store under joint keys *(in the Vernacular language)*.

Dates.		1 Anna.	2 Annas.	4 Annas	8 Annas	12 Annas	1 Rupees.	1 Rupee, 8 annas.	2 Rupees.	2 Rupees 8 annas.	4 Rupees	6 Rupees	8 Rupees.	10 Rupees.	12 Rupees, 8 annas	12 Rupees	16 Rupees.	20 Rupees.	25 Rupees.	37 Rupees, 8 annas	40 Rupees.	50 Rupees.	62 Rupees, 8 annas.	75 Rupees	87 Rupees, 8 annas.	100 Rupees.	125 Rupees.	150 Rupees.	175 Rupees.	250 Rupees	350 Rupees.	500 Rupees.	700 Rupees	1000 Rupees.	1500 Rupees.	Total number of stamps.	Total value Rupees.
	Average Month's consumption																																				
1st May	Balance of previous day, ..																																				
	Required, ...																																				

APPENDIX No. 1.

FORM C.

Book of Store under joint keys, *(in English)*.

DATE.		1 Anna.	2 Annas.	4 Annas.	8 Annas.	12 Annas.	1 Rupee.	1 Rupee, 8 annas.	2 Rupees.	2 Rupees, 8 annas.	4 Rupees.	6 Rupees.	8 Rupees.	10 Rupees.	12 Rupees.	12 Rupees, 8 annas.	16 Rupees.	20 Rupees.	25 Rupees.	32 Rupees.	37 Rupees, 8 annas.	40 Rupees.	50 Rupees.	62 Rupees, 8 annas.	64 Rupees.	75 Rupees.	80 Rupees.	87 Rupees, 8 annas.	100 Rupees.	125 Rupees.	150 Rupees.	175 Rupees.	250 Rupees.	350 Rupees.	500 Rupees.	700 Rupees.	1000 Rupees.	2000 Rupees.	Total number of stamps.	Total value Rupees.
1st. May.	Balance, ...																																					
	Received From Superintendent of Stamps																																					
	From other Districts, ...																																					
	From Darogah, &c., ...																																					
	Total, ...																																					
	Expended, ...																																					
	Returned to Superintendent of Stamps, ...																																					
	Sent to other Districts, ...																																					
	Supplied to other Darogahs, ...																																					
	Total, ...																																					
	Balance, ...																																					

APPENDIX No. 1.

FORM D.

Abstract Account of Receipts and Issues of Stamps at ——— in pursuance of Regulation X. of 1829 for ———

DETAILS.	VALUE OF STAMPS. 1 Anna.	2 Annas.	4 Annas.	8 Annas.	12 Annas.	1 Rupee.	1 Rupee, 8 annas.	2 Rupees.	2 Rupees, 8 annas.	4 Rupees.	6 Rupees.	8 Rupees.	10 Rupees.	12 Rupees.	12 Rupees, 8 annas.	16 Rupees.	20 Rupees.	25 Rupees.	32 Rupees.	37 Rupees, 8 annas.	40 Rupees.	50 Rupees.	62 Rupees, 8 annas.	64 Rupees.	75 Rupees.	80 Rupees.	87 Rupees, 8 annas.	100 Rupees.	125 Rupees.	150 Rupees.	175 Rupees.	250 Rupees.	350 Rupees.	500 Rupees.	700 Rupees.	1000 Rupees.	2000 Rupees.	Total number of Stamps.	Total value Rupees.
Balance of last month, ...																																						
Received from Superintendent of Stamps, ...																																						
Do. from the Collector of ...																																						
Total,																																						
Sold in this month, ...																																						
Issued to the Collector of ...																																						
Total, ...																																						
Balance, viz.																																						
Under joint keys of Collector and Treasurer, ...																																						
In the hands of the Treasurer, ...																																						
Embezzled, ...																																						
Total,																																						
Memorandum.																																						
Sold in 18 Rs.																																						
Ditto in 18 Rs.																																						
Increase, ...																																						

APPENDIX No. 1.—2nd.

FORM D.

Statement of Stamps sold in the month of

Values.	Size and Quantity of Stamps. No. 1	No. 2	No. 3	No 4	No. 5	No. 6	Total number of Stamps.	Total value Co.'s Rs.
1 Anna, ...								
2 Annas, ...								
4 Annas, ...								
8 Annas, ...								
12 Annas, ...								
1 Rupee, ...								
1½ Rupee, ...								
2 Rupees, ...								
2½ Rupees, ...								
4 Rupees, ...								
6 Rupees, ...								
8 Rupees, ...								
10 Rupees, ...								
12 Rupees, ...								
12½ Rupees, ...								
16 Rupees, ...								
20 Rupees, ...								
25 Rupees, ...								
32 Rupees, ...								
37½ Rupees, ...								
40 Rupees, ...								
50 Rupees, ...								
62½ Rupees, ...								
64 Rupees, ...								
70 Rupees, ...								
80 Rupees, ...								
87½ Rupees, ...								
100 Rupees, ...								
120 Rupees, ...								
125 Rupees, ...								
150 Rupees, ...								
175 Rupees, ...								
250 Rupees, ...								
350 Rupees, ...								
500 Rupees, ...								
700 Rupees, ...								
1000 Rupees, ...								
2000 Rupees, ...								
Total, ..								

Statement of stamps in store on the last day of the month of

Values.	Size and Quantity of Stamps. No. 1	No. 2	No. 3	No. 4	No. 5	No. 6	Total number of Stamps.	Total value Co.'s Rs.
1 Anna, ..								
2 Annas, ..								
4 Annas, ..								
8 Annas, ..								
12 Annas, ..								
1 Rupee, ..								
1½ Rupee, ..								
2 Rupees, ..								
2½ Rupees, ..								
4 Rupees, ..								
6 Rupees, ..								
8 Rupees, ..								
10 Rupees, ..								
12 Rupees, ..								
12½ Rupees, ..								
16 Rupees, ..								
20 Rupees, ..								
25 Rupees, ..								
32 Rupees, ..								
37½ Rupees, ..								
40 Rupees, ..								
50 Rupees, ..								
62½ Rupees, ..								
64 Rupees, ..								
70 Rupees, ..								
80 Rupees, ..								
87½ Rupees, ..								
100 Rupees, ..								
120 Rupees, ..								
125 Rupees, ..								
150 Rupees, ..								
175 Rupees, ..								
250 Rupees, ..								
350 Rupees, ..								
500 Rupees, ..								
700 Rupees, ..								
1000 Rupees, ..								
2000 Rupees, ..								
Total, ..								

APPENDIX No. 1.

FORM E.

Statement exhibiting the total amount of Outstanding Balances in the Stamp Accounts of the Collectorship of up to the year 185 5 inclusive.

1 Year in which balance was incurred.	2 Name and Office of Defaulter.	3 Amount.	4 Nature or cause of Balance.	5 Name of Collector in charge when the balance was incurred.	6 Recoverable.	7 Doubtful.	8 Irrecoverable.	9 Remarks.

APPENDIX No. 2.

No. 485.

To all Collectors.

Much inconvenience and difficulty having arisen from the irregularities which prevail in the requisitions for Stamp Paper forwarded to this office and also from the practice of indenting for a much greater quantity than is actually required for the period stated, I have the honor to request that you will, in making future indents, be careful to observe the following rules:

1st. Periodical indents to be made on this office for stamp paper, sufficient for month's consumption, the number indented for of each description of paper to assimilate to the actual number sold during the preceding months.

2nd. Requisitions for stamp paper to be forwarded so as to reach this office at least months previous to the date on which the stamps are required.

3rd. All indents to be accompanied by a statement in the annexed form, showing the actual quantity of each description and value sold during the preceding months, as given in the Monthly Statements forwarded to this office, and the balance of stamps in store, inclusive of those in the hands of the venders at the date of the requisition.

APPENDIX No. 2.

FORM.

Statement of the *number of Stamps* sold during the———months ending———184 ; and the *balance in store* including the Stamp Papers in the hands of the venders, on this date.

VALUES.	No. 1.		No. 2.		No. 3.		No. 4.		No. 5.		No. 6.		REMARKS.
	Number sold during twelve months.	Balance in store.	Number sold during twelve months.	Balance in store.	Number sold during twelve months.	Balance in store.	Number sold during twelve months.	Balance in store.	Number sold during twelve months.	Balance in store.	Number sold during twelve months.	Balance in store.	
1 Anna, ...													
2 Annas, ...													
4 Annas, ...													
8 Annas, ...													
1 Rupee, ...													
&c., ...													
&c..													

APPENDIX No. 3.

No. 1340.

To all Commissioners of Revenue.

With reference to the Circular of the Superintendent of Stamps, dated the 25th May 1830, I am directed by the Board of Customs, Salt and Opium, to request that you will instruct the officers subordinate to you in charge of stamps, that on every occasion of transfer, the officer taking charge is to furnish in quadruplicate a receipt in the annexed Form.

* Stamps.

2nd. One copy of this receipt is to be delivered to the officer making over charge, one to be kept in the office for record, one forwarded to the Commissioner, and one to the Superintendent of Stamps.

3rd. If it should be impracticable at the time of delivering over charge, to count unsold stamps in the hands of the venders, the receipt is nevertheless to be given in the form as above prescribed, but the responsibility of the officer delivering charge will not cease until such time, not exceeding three months from the date of transfer, as the stamps in the hands of the venders are counted and found correct. If within that time any deficiency should be discovered in these stamps, the responsibility of the officer who delivered charge will be the same as if no such receipt had been given. But if, within that time, the stamps in the hands of the venders shall not be counted, or if they should be counted and found correct, the receipt will become and be held a full and complete discharge, and the officer who received in charge will be made answerable for any deficiency that may afterwards be discovered, whether it occurred during his incumbency or not. When the actual balance in the hands of the venders is not ascertained at the time of giving and receiving charge, a note as in the accompanying form may be appended to the receipt.

4th. Officers receiving charge of stamps are required to count the stamps in the hands of venders as soon as practicable, taking the precaution with a view to prevent collusion, to have the entire quantity of stamps in hands of all the venders produced simultaneously at the Sudder Station, so that the whole balance may be inspected at once. If, on being counted they are found correct, the same will be certified at the foot of the monthly account of receipts and issues furnished to the Superintendent of Stamps, but if any deficiency be found, immediate intimation is to be given to the officer who delivered charge, and the necessary steps taken at the same time to enforce in the first instance the responsibility of the vender.

5th. The above instructions are applicable only to cases where stamps are in the hands of venders on commission sale, and the value of them has not been realized and credited to Government. No account need be taken of stamps supplied to venders under Clause 5, Section 11, Regulation X. 1829, of which value has been paid into the Treasury, less the usual discount.

APPENDIX No. 3.

FORM.

Received from

the undermentioned stamps, viz.

	1 Anna.	2 Annas.	4 Annas.	8 Annas.	&c. &c.	Total number of stamps.	Value Co.'s Rs.
Balance of last month, ...	0	0	0	0	0	00000	00000
Received in store during the month up to this date, viz., ..							
From Superintendent of Stamps, ...	0	0	0	0	0	00000	00000
From Collector of	0	0	0	0	0	00000	00000
TOTAL, ...	0	0	0	0	0	00000	00000
Sold during the month up to this date, ...	0	0	0	0	0	00000	00000
Issued to———up to this date, ...	0	0	0	0	0	00000	00000
TOTAL, ...	0	0	0	0	0	00000	00000
Balance, viz.,							
Under joint keys, ...	0	0	0	0	0	00000	00000
In hands of Treasurer, ...	0	0	0	0	0	00000	00000
Embezzled, ...	0	0	0	0	0	00000	00000
TOTAL, ...	0	0	0	0	0	00000	00000

Also parcels [or boxes] said to contain stamps to the value of Rs. , the contents of which have not yet been counted and brought to credit.

CIRCULAR ORDERS

OF THE

CIVIL AUDITOR'S OFFICE,

NORTH WESTERN PROVINCES,

For 1852.

NOTIFICATION.

Agra, 16*th July* 1852.

It has been ruled by the Governor General in Council that when an officer is appointed to a new situation at the Station to which he stands already posted, no interval will be allowed between vacating the old and assuming the new appointment. The giving over and receiving charge must therefore take place on the same day, otherwise the party causing the delay will be held responsible for any additional expence which may result therefrom.

CIRCULAR ORDERS

OF THE

ACCOUNTANT'S OFFICE,

NORTH WESTERN PROVINCES,

FOR 1852.

No. 273.

Agra, the 20th January 1852.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces and Punjab and Trans-Indus Territory.

I have to request that you will, in opening your "Register of Bills granted," (*vide* Appendix No. 24 in the Accountant's Manual), for the ensuing year 1852-53, or from 1st May next, introduce therein an additional column immediately preceding that for "Amounts," with the heading "Date of Authority" for the exhibition of the authority under which each Bill may be issued by you, and which should correspond with the authority cited in the Bill itself. You will also be pleased to enter the same authority in the credit entries in your Treasury accounts under the several heads of Remittances of the North Western Provinces, the Bengal Presidency and the Punjab and Trans-Indus Territory, in an additional column between the present columns for the name of the payee and the amount of Bills.

2nd. You will also observe, as an invariable rule, that no Bill can be issued for granting which a general or special authority cannot be quoted.

No. 274.

Agra, the 22nd March 1852.

To all Officers in charge of Revenue Treasuries in the North Western Provinces and Punjab Territory.

I beg to annex for your information and guidance extract from the *Calcutta Gazette*, dated 13th instant, being copy of General Order by the Governor General

in Council, dated 12th idem, No. 168, and to request that you will accordingly, from the 1st May next, consider the instructions contained in the Accountant's Manual, page 75, last paragraph, and page 76, paragraphs 1st and 2nd, as hereby cancelled.

As indicated in the General Order, Remittances of pay to sepoys of the Madras and Bombay armies, on leave or furlough, in the North Western Provinces, will after 1st May next, be made in the same manner and under the same precautions as are observed in Bombay and Madras in making remittances of Soldiers' savings to their relatives in Hindustan, and should be promptly discharged under the rules and on the production of documents similar to those prescribed in the Accountants' Manual, page 34, last paragraph, and page 35, paragraphs 1 to 3. No advances of pay to parties must hereafter be made upon such documents as are indicated in Appendix No. 57, of a date subsequent to the 30th April next.

EXTRACT.

General Orders by the Most Noble the Governor General of India in Council.

Fort William, the 12th March 1852.

No. 168 of 1852.—The Most Noble the Governor General of India in Council is pleased to direct that, from the 1st May next, pay shall no longer be issued from Civil or Military Treasuries in Bengal, or the North Western Provinces, on the leave certificates of Native Soldiers of the Presidencies of Fort Saint George and Bombay: arrears to the authorized extent may be drawn for such men in the abstracts of their corps by Regimental Officers, on proper existence certificates, and the amount remitted to the parties thereto entitled; (by drafts payable on personal presentation by the payee) in the same manner and under the same precautions as are observed in Bombay and Madras in making remittances of Soldiers' savings to their relatives in Hindoostan.

The Governments of the other Presidencies will issue whatever instructions may be necessary for carrying out the above order.

Articles 84 to 87, in pages 261-62, Section 25, Code of 1849, are hereby cancelled.

No. 275.

Agra, the 24th March 1852.

To all Officers in charge of Revenue Treasuries in the North Western Provinces, and the Punjab and Trans-Indus Territory.

Under the orders of Government, dated 17th ultimo, I have to request that you will furnish me annually commencing with the official year 1851-52, with a statement, as per annexed Form, showing the number and amount of deposit items remaining unpaid at your Treasury at the close of each official year, as compared with the number and amount of deposit items at its commencement, to enable this Department to furnish a General Statement thereof for the information of the Hon'ble the Court of Directors.

The Statement should be furnished to this office on or before the 1st June, after the close of each official year.

Comparative Statement of Deposits remaining unpaid at the commencement and at the close of the year 185 5 in the Collectorate of

Number and amount of Deposits on the 1st May 185		Number and amount of Deposits on the 30th April 185		Increase on the 30th April 185		Decrease on the 30th April 185		Remarks
Number	*Amount.*	*Number*	*Amount*	*Number*	*Amount.*	*Number*	*Amount.*	
								Note.—In this column the causes of increase and decrease in the number and amount of items should be explained

No. 276.

Agra, the 15th April 1852.

To all Officers in charge of Revenue Treasuries in the North Western Provinces, and the Punjab and Trans-Indus Territory.

With reference to Circular No. 273, dated 20th January last, I beg to annex for your future guidance a Memorandun of Bills issuable on various accounts with the dates of authority applicable in each case, and to request your strict attention thereto. It will be observed that the authorities cited are of a general character, and that the Memo. does not embrace supply Bills, which being subject to fluctuation are issuable only under the special instructions of this office.

2nd. I beg further with the view of supplying a desideratum to authorize your issuing drafts on the public service when applied for by the officers noted in the margin,* and to request that you will be careful in doing so, invariably to indicate the specific purpose (which should be stated by them) for which the draft is required, making the same payable to the officer applying for it, and citing the number and date of this letter, as your authority for issuing them both in the Bills and in the Credit entries in your Treasury account.

* *Accountant, N. W. P.*
Board of Administration, Secretary to.
Civil Auditor, N. W. P.
Collectors, Revenue and Customs.
College and School Committees.
Commissioners.
Deputy Commissioners.
Government of N. W. P., Secretary to.
Government of India, Secretary to, when in the N. W. P.
Inspector of Prisons.
Judges.
Road and Ferry Fund Committees.
Sudder Dewanny, Register of
Sudder Board, Secretary to.
Superintendent Agra Jail.
Thuggee, Assistant Superintendent
Nuzzool Fund Committee.

3rd. By "Drafts on the Public Service" you will be pleased to understand such drafts as are required by the officers indicated for the purpose of remitting the amount of charges incurred on account transport of Opium, Stationery Cases, Treasure, Purchase of Books, Office Furniture, and all other charges certified to be *bonâ fide* incurred on account of Government, and requiring to be remitted to another district.

Memorandum of Bills issuable on various accounts by Treasury Officers in the North Western Provinces, and Punjab and Trans-Indus Territory, and the dates of authority applicable in each case.

In whose favor.	Dates of Authority.		
	From what Department.	*Date.*	*No.*
Accountant, N. W. P.,	Accountant,	15th April 1852,	276
Aides-de-Camp to Lieutenant Governor,	Ditto,	23rd June 1849,	255
Assistant Secretary to Lieutenant Governor when on a tour with Lieutenant Governor,	Ditto,	7th August 1849,	256
Assistant Surgeon in Civil employ, restricted to General Treasury at 1 per cent. premium,	Ditto,	31st October 1829,	381
Barrack Department, for public purposes,	Ditto,	18th October 1832,	438
Bungalows, sale of, by Military Officers,	Government,	17th May 1822.	——
Board of Administration, Secretary to, for public purposes,	Accountant,	15th April 1852,	276
Board of Revenue, Sudder, N. W. P., Secretary to, for public purposes,	Ditto,	Ditto,	*ib.*
Brigade Majors, for award of Military Court of Request at 1 per cent. premium,	Ditto,	8th June 1852,	277
Chaplains and Assistant Chaplains, with the same restrictions as Civil Servants,	Accountant,	17th April 1841.	
Civil Servants on leave on Medical Certificate, in payment of Pay Bills only on nearest Treasury,	Government,	9th June 1834,	1092
Ditto ditto, on leave on private affairs, subject to 1 per cent. deduction,	Government,	9th June 1834,	1092
Ditto ditto, on private remittances, restricted to General Treasury and subject to 1 per cent. premium,	Accountant,	31st October 1829,	381
Civil Auditor, N. W. P., for public purposes,	Ditto,	15th April 1852,	276
Collector, for public purposes, Revenue and Customs,	Ditto,	Ditto,	*ib.*
Colleges and School Committees, for ditto,	Ditto,	Ditto,	*ib.*
Commissioners, for ditto,	Ditto,	Ditto,	*ib.*
Commissariat Department, for public purposes,	Ditto,	27th August 1822,	271
Costs of Civil Suits,	Ditto,	23rd Dec. 1808,	172
Decrees of Civil Courts,	Ditto,	10th Feb. 1830,	389
Deputy Commissioners, for public purposes,	Ditto,	15th April 1852,	276
Effects of deceased men, of Bombay Army,	Ditto,	29th August 1844,	173
Executive Engineers, for public purposes,	Ditto,	18th October 1832,	438
Exchange Drafts to Military Officers, under specified restrictions,	Accountant,	29th July 1843,	146
Family Remittances of Sepoys,	Government,	10th April 1810.	
Furlough, Sepoys going on,	Ditto,	Ditto.	
Ferry Fund Committee, for public purposes,	Accountant,	15th April 1852,	276
Government, Secretary to, N. W. P., for public purposes,	Ditto,	Ditto,	*ib.*
Government, Secretary to, India, for public purposes,	Ditto,	Ditto,	*ib.*
Gun Lascars,	Ditto,	25th May 1848,	233
Inspector of Jails, N. W. P., for amount of salary when on tour of inspection,	Ditto,	7th January 1845,	180
Ditto ditto, for public purposes,	Ditto,	15th April 1852,	276
Invalid Officers and Soldiers,	Mily. Ditto,	21st August 1849,	——
Judges, for public purposes,	Accountant,	Do. 15th Apl. 1852,	276
Lascars—*See* Gun Lascars.			

Memorandum of Bills, &c.—(Continued).

In whose favor.	Dates of Authority.		
	From what Department	*Date.*	*No.*
Lieutenant Governor, N. W. P.,	Accountant,	23rd June 1849,	255
Magistrates, for public purposes,	Government,	20th July 1830,	1582
Medical Retiring Fund, Subscription to,	Accountant,	1st July 1839,	74
Mess of Military Officers,	Government,	23rd July 1832,	20
Military Fund, Subscription to,	Accountant,	12th May 1840,	86
Military Officers holding Civil appointments, restricted to General Treasury for amount of Civil pay only,	Ditto,	31st October 1829,	381
Military Officers for amount of *bonâ fide* savings of pay,	Government,	{17th May 1822, / 8th Sept. 1841,}	211
Military Orphan Fund, Subscription to,	Accountant,	20th May 1835,	10
Nuzzool Fund Committee, for public purposes,	Ditto,	15th April 1852,	276
Officers, Remittance of Military,	Government,	{19th May 1828, / 8th Sept. 1841,}	211
Opium Agency Establishment, on account salary when on deputation,	Accountant,	10th June 1850,	905
Orphan Fund, Military, Subscription to,	Ditto,	20th May 1835,	10
Pay Masters, Her Majesty's or Company's Troops,	Ditto,	29th April 1841,	101
Post Masters, on account Dawk Travellers' Deposits,	Ditto,	22nd Dec. 1829,	385
Post Masters, for public purposes,	Ditto,	24th July 1847,	225
Post Master General, N. W. P.,	Ditto,	26th June 1850,	263
Private Secretary to Lieutenant Governor,	Accountant,	23rd June 1849,	255
Punjab Local Corps, restricted to "fighting men,"	Government,	11th March 1850,	——
Register, Sudder Dewanny,	Accountant,	15th April 1852,	276
Regimental purposes,	Government,	23rd July 1832,	120
Road Fund Committee, for public purposes,	Accountant,	15th April 1852,	276
Secretary to Government, when on tour with Lieutenant Governor,	Ditto,	7th August 1849,	256
Sepoys' Family Remittances,	Government,	10th April 1810,	——
Superintendent Government School of Industry at Jubbulpoor, in favor of,	Accountant,	16th May 1850,	270
Surgeon, Civil, restricted to General Treasury,	Ditto,	31st Oct. 1829,	381
Ditto to Lieutenant Governor,	Ditto,	23rd June 1849,	255
Survey Department,	Government,	22nd May 1847,	——
Superintendent, Agra Jail,	Accountant,	15th April 1852,	276
Secretary, Sudder Board of Revenue, N. W. P.,	Ditto,	15th April 1852,	276
Ditto, Board of Administration, Lahore,	Ditto,	Ditto,	*ib.*
Transfer Drafts to Military Officers,	Ditto,	29th July 1843,	146
Thuggee, Assistant Superintendent, on account *bonâ fide* purposes of the Department,	Ditto,	15th April 1852,	276
Uncovenanted Servants of Government, in the N. W. P., restricted to General Treasury, and subject to 1 per cent. premium,	Ditto,	8th Feb. 1836,	20
Ditto ditto, in the Punjab, without restriction,	Government,	26th July 1850,	1364
Visitor General of Schools, (limited to certain Treasuries), for public purposes,	Accountant,	19th Sept. 1850,	——

No. 277.

Agra, the 8th June 1852.

To all Officers in charge of Revenue Treasuries in the North Western Provinces, and in the Punjab and Trans-Indus Territory.

With reference to a communication received from the Accountant to the Government of Bengal, in the Military Department, and under the orders of Government, North Western Provinces, dated 22nd ultimo, I have to request that you will in future comply with the applications of the Major of Brigade at your station for public drafts on other Treasuries on account of remittances connected with the Military Courts of Requests, on his payment of a premium of one per cent. on the amount for which the Bill may be required; the premium so realized should be distinctly brought to credit in your Treasury account under the head "To Profit and Loss of the Revenue Department."

2nd. You will be pleased to cite the number and date of this Circular in the body of the Bills herein authorized, which should invariably be issued in favor of the Major of Brigade or Station Staff applying for them, and contain a specification of the purpose for which the remittance is required to be made.

No. 278.

Agra, the 8th July 1852.

To all Officers in charge of Revenue Treasuries in the North Western Provinces, and the Punjab and Trans-Indus Territory.

With reference to a communication received from the Secretary to the Board of Administration at Lahore, dated 24th ultimo, I have the honor to inform you of the establishment of a separate Treasury at Kohat, for the receipt and issue of Bills from the 1st of May last, and to request that you will accordingly be pleased to honor such Bills as the Deputy Commissioner of Kohat may have occasion to draw upon you under prescribed rules. You are also authorized to issue Bills, upon that Officer for Military Officers' and Sepoys' Family Remittances and for public purposes as indicated in existing rules. Such Bills drawn from or on the Kohat Treasury should be exhibited in your accounts under the head "Remittances of the Punjab and Trans-Indus Territory."

2nd. I take this opportunity of drawing your attention to the Notification of the Most Noble the Governor General in Council, dated 25th ultimo, published in the *Calcutta Gazette*, dated 30th idem, directing a change in the designation of the district hitherto known as the "Pak Puttun" district, which is in future to be denominated the "Googaira" district. This change you will observe has effect also from the 1st May last.

No. 279.

Agra, the 22nd September 1852.

To all Officers in charge of Revenue Treasuries in the North Western Provinces and the Punjab and Trans-Indus Territory.

With the sanction of the Government, North Western Provinces, I have the honor to request, that the amount of Fees levied by Marriage Registrars appointed under Act V. of 1852, and paid by them into your Treasury, be credited under the head of "Marriage Fees under Act V. of 1852," subordinate to "Charges General of the General Department," and the same head debited per contra, with charges on that account supported by Bills Audited by the Civil Auditor, in the same manner as other expences of the Civil Department are disposed of in account.

2nd. In affording the credit above enjoined, you will be careful to specify not only the various description of Fees, but also the name of the Marriage Registrar who

may remit the same to your Treasury, as well as the name of the party from whom the Fees may have been levied, so as to admit of identification in the public accounts.

3rd. The Fees authorized to be taken are as follows:

For receiving each Notice of Marriage, ... One Rupee.
For publishing each Notice of Marriage, ... Two Rupees.
For the issuing of each Certificate, ... Five Rupees.
For every Marriage forbidden or Protest entered Ten Rupees.
and
For Registering each Marriage, ... Three Rupees.

4th. You will observe that the discretion granted by the 18th Section of the Act V. of 1852, to Marriage Registrars in the Territories of any Native State or Prince, to remit a part of the fees to indigent persons is extended to Registrars of districts under this Government; the fact of such discretionary power having been exercised should therefore be stated by indicating the remission as a deduction (because not realized) in the credit entries.

No. 280.

Agra, the 24th September 1852.

To all Officers in charge of Revenue Treasuries in the North Western Provinces, and in the Punjab and Cis-Trans-Sutlej States.

Several Treasury Officers having complained of the difficulty of calculating the amount of premium on drafts required by Majors of Brigade or Station Staff Officers under the rules prescribed in the Circular of this Office, No. 277, dated 8th June 1852, I annex a Table which is intended to facilitate the calculation of premium at one per cent. when the amount of the Draft plus the amount of premium are required to equal a given sum.

Table for finding the amount of premium at one per cent. on a Draft, when it is required that the amount of the Draft, plus the premium, shall equal a given sum.

RULE.—Calculate the premium on the total sum. Find in the first column of the following Table the sum given or the nearest *higher* amount. Deduct the amount taken from the same line in the second column from the premium calculated on the total amount. The remainder (fractions of a pie being omitted) will be the correct amount of premium, and the difference between that amount and the total sum will be the amount of the Draft.

If the total amount do not exceed			Deduct from the premium at 1 per cent. on the total amount.			If the total amount do not exceed			Deduct from the premium at 1 per cent. on the total amount.		
Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
26	4	10	0	0	0	710	2	6	0	1	1
78	14	6	0	0	1	762	12	2	0	1	2
131	8	2	0	0	2	815	5	10	0	1	3
184	1	10	0	0	3	867	15	6	0	1	4
236	11	6	0	0	4	920	9	2	0	1	5
289	5	2	0	0	5	973	2	10	0	1	6
341	14	10	0	0	6	1025	12	6	0	1	7
394	8	6	0	0	7	1078	6	2	0	1	8
447	2	2	0	0	8	1130	15	10	0	1	9
499	11	10	0	0	9	1183	9	6	0	1	10
552	5	6	0	0	10	1236	3	2	0	1	11
604	15	2	0	0	11	1288	12	10	0	2	0
657	8	10	0	1	0						

No. 281.

Agra, the 9th October 1852.

To all Officers in charge of Revenue Treasuries in the North Western Provinces and Punjab and Trans-Indus Territory.

With reference to orders of Government, dated 28th ultimo, sanctioning the issue of Bills of Exchange to all parties upon the Agra Treasury in favor of the Curator of Government Books, North Western Provinces, at this station, for *bonâfide* payments to be made to him for Government publications purchased by them, I have to request that you will, on receiving applications for such Bills, be pleased to comply with them, being careful to indicate in the Bill the Curator as the payee thereof, with the purpose for which the bill has been granted, and the name of the remitter, and to cite the number and date of this letter as your authority for issuing the same. The Bills should of course be issued at ten days' sight.

No. 282.

Agra, the 17th November 1852.

To all Officers in charge of Revenue Treasuries in the North Western Provinces.

A defalcation to a considerable extent having recently been discovered in the Treasury of the Officiating Deputy Commissioner of Mooltan, I beg to annex for your information Extract paragraphs 1st to 3rd inclusive, of a letter No. 650, dated 19th August last, addressed by that Officer to the Commissioner of the Mooltan Division, indicating the manner in which the defalcation was effected and how discovered, and to request that you will, with the view of guarding yourself against the personal responsibility in which your position as the Joint Custodier, with the Treasurer, of the funds in your Treasury involves you, make it a rule occasionally as well as on occasions of transfer of office, and on the close of each month, to inspect your treasure, and thus personally satisfy yourself of the real state of your cash balance. The mode of procedure, and the frequency of such inspection must of course be left to your discretion; but as the successful perpetration of the fraud brought to light at Mooltan serves to show the necessity for a very strict surveillance over your Treasury Department, it is hoped that a regard for your official credit will induce you to inspect closely your accounts, and personally to ascertain the truthfulness of the cash balance which those accounts may represent on the day selected for its examination.

2nd. I beg to add that the above instructions are issued with the approval and under the orders of Government, dated 9th October 1852.

Extract paragraphs 1, 2 *and* 3 *of a letter No.* 650, *dated* 19*th August* 1852, *from Officiating Deputy Commissioner of Mooltan, to the Commissioner and Superintendent, Mooltan Division.*

Paragraph 1st. I do myself the honor to inform you, that agreeably to the Board's instructions I arrived here on the 3rd instant, and proceeded on the following morning to take charge of my duties; a defalcation having been discovered by me on inspection of the Treasury, I consider a full report will be required of me.

2nd. On the morning of the 4th, I proceeded with Mr. Ford to the Fort where the Treasure is kept, we found Lieutenant Young, Assistant Commissioner in charge, in an underground room counting over a large remittance from Bombay, I then proceeded to take over the Treasure actually belonging to the District, which is kept

in several boxes with double locks, the boxes being arranged round the upper room which is a small one, a trap-door leading to the vault occupied much of the space. The door of the room is also double locked. I found the boxes with tape and seals which were all correct, the largest one was pointed out to me as containing one and a half lacs of Company's Rupees. I had it opened by the Treasurer, on the top there was a memorandum in English, showing the amounts expended on various dates, and giving the last balance as one and a half lacs of Company's Rupees.

3rd. I lifted out a bag which, on being counted, was found correct, whilst it was being fastened up, I went to the chest and commenced putting my hands amongst the bags, and feeling the lower ends of them, some were tightly fastened, so that I could not hold single rupees. I at length distinctly felt small coins, and observed to Lieutenant Young that I understood the box contained only Company's Rupees, he replied that it should contain no others ; on again feeling further, I distinctly felt small coins, I directed the Treasurer to take a particular bag out, whilst addressing Lieutenant Young I turned sharply round, and looking into the chest found the Treasurer putting aside the bag I meant, and taking another, seizing his wrist I caused the proper one to be taken out, the bag was marked thus ✗ on opening it the Treasurer boldly showed a handful of Company's Rupees and exhibited them as if all were correct, having so decidedly given my opinion there were small coin, Lieutenant Young remarked there must be something wrong, and the contents of the bag being turned out a few Company's Rupees were found at the top, then a piece of cloth and the rest filled up with pice and bits of pice, further search being made, ten other bags similarly marked were discovered; it was then deemed advisable to request you to come, which you kindly did, and one or two of the made up bags were opened in your presence : in most of the bags Rs. 200 in silver were found, the rest being copper, on being tested in the scales they were exactly in weight, and had evidently been worked up for the purpose of deception, the man had protected himself only against the bags being counted and weighed.